

2026 IL App (1st) 261122-U
Nos. 1-26-1122B, 1-26-1124B, 1-26-1125B and 1-26-1126B (cons.)
Order filed September 21, 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
	) Cook County.
Plaintiff-Appellee,	)
	) Nos. 25 CR 3683,
	) 25 CR 3684,
v.	) 25 CR 3685 and
	) 25 CR 3686
RICHARD PEARSON,	)
	) Honorable
Defendant-Appellant.	) Charles P. Burns,
	) Judge, presiding.

JUSTICE LAMPKIN delivered the judgment of the court.
Presiding Justice Quish and Justice Rochford concurred in the judgment.

ORDER

- ¶ 1 *Held:* The trial court's judgment, which ordered defendant's continued detention, is affirmed.
- ¶ 2 Defendant Richard Pearson is charged with, across multiple indictments, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, aggravated battery, and aggravated domestic battery. He now appeals the trial court's order denying his request for release

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from pretrial detention 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 eliminated cash bail, presumes that *all* defendants, regardless of the alleged offense, are eligible for pretrial release, and established a number of new procedural rules regarding pretrial release.

¶ 4 The trial court initially ordered that defendant be detained pretrial. Defendant filed a motion seeking to modify his detention status, which was denied. He then filed a motion for relief which was denied. He now appeals the denial of that motion for relief.

¶ 5 For the reasons that follow, we affirm the judgment of the trial court.

¶ 6 I. BACKGROUND

¶ 7 Defendant is currently charged with predatory criminal sexual assault of a minor, aggravated criminal sexual abuse, aggravated battery, and aggravated domestic battery across four separate cases, each involving one of four minor children.¹ All four children share the same mother. Two of the children in question are defendant’s biological children.

¶ 8 In 25 CR 03683, defendant is charged with predatory criminal sexual assault of a child, aggravated criminal sexual abuse, and aggravated battery. Those counts collectively allege that

¹The charging instrument for 25 CR 03684 does not appear in the record, but based on other documents in the record, it appears this fourth case includes another aggravated battery charge against one of the minors.

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defendant touched S.P.'s vagina over her clothing, inserted a finger into her vagina, and pushed S.P. to the ground. In 25 CR 03685, defendant is charged with aggravated domestic battery in that he knowingly strangled D.M. In 25 CR 03686, defendant is charged with aggravated battery and is accused of throwing T.P., onto a bed which caused T.P. to hit his head on an adjacent radiator.

¶ 9 On March 6, 2025, the State filed two petitions for pretrial detention. One was based on the allegations in 25 CR 03683 involving S.P. The second was based on the allegations in 25 CR 03685 involving D.M. The same day, the trial court entered multiple orders placing defendant in pretrial detention pending trial. The record does not contain a transcript of the detention hearing. The record does contain a document titled "First Appearance Court Proffer for Richard Pearson." It contains no file stamp and is not found sequentially in the record with the State's petition for pretrial detention. However, given its title and contents and the fact that the State's petition contains a section that states, "See Addendum," it appears this document may have been filed with the State's petition for pretrial detention.

¶ 10 This written proffer claimed that the allegations against defendant took place between August 2024 and November 2024. The document does not provide initials for the victims and only labels them as V1, V2, V3, and V4. It states that on one occasion, V1, who was between 6 and 7 years old, was watching TV. Defendant entered the room, grabbed V1 by the neck and forcefully rubbed her vagina over her clothing. Defendant then placed V1 on the bed and penetrated V1's vagina with his hand. V1 told defendant to stop. Defendant told V1 not to tell her mother and smacked her hand. On an unspecified occasion, V3 witnessed defendant hit V1 and leave bruises on her body.

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¶ 11 On another occasion, V2 broke the head off of V1's doll. Defendant spanked V2 and threw V2 on the bed. V2's head hit the radiator near the bed and he began crying. Defendant told V2 to "shut up and go to bed." V1 and V3 were in the room at the time. V2 had a gash on his head the next morning.

¶ 12 On yet another occasion, V3 was sitting somewhere and defendant wanted her spot. Defendant sat on V3's legs and dug his nails into her, leaving marks. On still another occasion, V4 tripped and landed on V1. Defendant pinned V4 by V4's neck and threatened to kill V4. Defendant released V4 when they began to gag.

¶ 13 On or about November 27, 2024, all four victims returned to their mother's home. V1 disclosed that defendant touched her vagina. On December 1, 2024, V2 woke up and there was blood on the back of his head and shirt. Their mother took V1 and V2 to the hospital, and on the way V2 disclosed the incidents that took place. At the hospital, V1 disclosed that defendant penetrated her vagina with his hand. V1 was transferred to Comer Hospital and a sexual assault kit was performed. V2, V3, and V4 participated in forensic interviews in which they reported defendant's actions and identified defendant as the perpetrator.

¶ 14 However, the presence of this document does not provide us with much clarity regarding the initial detention hearing given that we ultimately do not know what was said at the hearing, what defense counsel offered as a competing proffer, or what the trial court said in response to the proffers.

¶ 15 The written order pertaining to the allegations against S.P. stated that defendant was alleged to have forcibly touched and penetrated his biological daughter's vagina with his hand and that

defendant told his daughter and the other children not to inform their mother about any of the acts he perpetrated against them.

¶ 16 Regarding the petition related to the allegations involving D.M., the trial court's order stated that defendant had choked and threatened to kill D.M. and instructed the children not to report the abuse they suffered. In both orders, the trial court reasoned that pretrial release and electronic monitoring would not mitigate the threat defendant posed to the children, including his own biological children.

¶ 17 On June 24, 2025, defendant sought his release from custody on the basis that the alleged victims in defendant's cases now lived in Indiana with their mother. That motion was denied. On January 21, 2026, defendant filed a motion to modify his pretrial conditions and again sought his release from custody. That motion once again stated that the alleged victims lived in Indiana.

¶ 18 The trial court held a hearing on defendant's motion on March 16, 2026, at which time defendant requested to be released from custody and placed on electronic monitoring. Defense counsel first stated that discovery had revealed inconsistencies in the State's case. For example, defense counsel argued there were no injuries observed to any of the children as of November 27, 2024, and no outcries were made concerning sexual conduct at the time the Department of Children and Family Services (DCFS) was notified. When injuries were first observed and outcries concerning sexual conduct were made on December 1, 2024, defense counsel stated that the children were with their mother. Defense counsel further stated that it was not until much later in the DCFS investigation that additional outcries were made and that those were "not substantiated."

¶ 19 The State responded by claiming that the injury to D.M.'s head was reported when he was taking a bath and the wound was reopened, and that S.P. made an outcry regarding defendant's

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sexual conduct when she began experiencing pain. The State further noted that the outcries of the children were delayed, but only by a few days.

¶ 20 The trial court, which had access to the transcript from the initial detention hearing, noted that there was an order of protection in place on behalf of the victims and their mother. After that order was in place, defendant called the victims' mother 43 times in one day and approximately 80 times the next day. On another day he called the victims' mother 32 times. He also allegedly drove by her house several times. The trial court denied defendant's motion and ordered that he remain detained.

¶ 21 Defendant filed a notice of appeal on April 3, 2026, which only challenged the trial court's March 16, 2026, order. That appeal was dismissed for lack of jurisdiction. Defendant subsequently filed a motion for relief on May 22, 2026. That motion reiterated the points made at the March 16, 2026, hearing and further noted that all of the alleged victims had moved to Indiana. He argued that the State had failed to meet its burden of proof on all three elements necessary to justify pretrial detention.

¶ 22 The trial court held a hearing on defendant's motion for relief on June 1, 2026. Defendant repeated similar arguments as those in his motion and reiterated that the victims lived in Gary, Indiana and that defendant had no knowledge of their address. The trial court denied defendant's motion.

¶ 23 Defendant filed four notices of appeal on June 3, 2026, one for each case,² specifically challenging only the trial court's June 1, 2026, order. We allowed the consolidation of those

²Illinois Supreme Court Rule 604(h)(8) states that the time for filing a disposition in pretrial detention appeals shall not exceed 100 days from the filing of a notice of appeal except for good cause shown. Ill. S. Ct. R. 604(h)(8) (eff. Apr. 15, 2024). Our disposition was due on September

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appeals on July 15, 2026. On August 24, 2026, defendant filed a notice indicating he would not be filing an appellate memorandum and would instead be standing on the arguments raised in his motion for relief. Accordingly, we consider the arguments raised in defendant's motion for relief. Ill. S. Ct. R. 604(h)(7) (eff. Apr. 15, 2024).

¶ 24

II. ANALYSIS

¶ 25 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).

¶ 26 This is the standard argued by the parties below and on appeal, and it was the standard applied by the trial court. However, a different standard governs a defendant's requests to be released from pretrial detention after the initial detention order. Section 110-6.1(i-5) of the Code provides that, "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 the defendant's willful flight from prosecution." 725 ILCS 5/110-6.1(i-5) (West 2024). As this

11, 2026. Defendant filed a notice that he would not be filing a memorandum on August 24, 2026. The State's responsive memorandum was filed on September 18, 2026. Under the circumstances, there is good cause for exceeding the 100-day deadline as this court has issued its decision as soon as was practicable after briefing was complete.

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court has said, “the finding required by subsection 110-6.1(i-5) of the Code is effectively subsumed by the elements the State must prove at a detention hearing.” *People v. Thomas*, 2024 IL App (1st) 240479, ¶ 13.

¶ 27 The continued detention finding “does not require a showing or finding that proof is evident or the presumption great that defendant committed a detainable offense. It would make little sense to require this after the State proved it at the hearing to initially justify defendant’s detention.” *Id.*

¶ 14. The continued detention standard also “starts from the premise that detention was necessary to guard against [a] threat and asks whether anything has changed such that defendant’s detention is no longer warranted.” *Id.* “The conclusion that follows is that the finding required by section 110-6.1(i-5) is simply a less demanding standard than what is required at a detention hearing, though both are concerned with fundamentally the same question. Thus, when the trial court found that the State presented clear and convincing evidence on all three elements required by section 110-6.1(e), that finding necessarily encompassed the continued detention finding required by section 110-6.1(i-5).” *Id.*; see also *People v Casey*, 2024 IL App (3d) 230568, ¶ 13 (at a continued detention hearing, “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”). Additionally, a reviewing court may affirm on any basis in the record. *Id.* ¶ 13. Thus, we address this issue based on the standard in section 110-6.1(i-5) of the Code governing continued detention.

¶ 28 We must also address the standard of review to be applied. In *Thomas*, this court observed that the continued detention standard contains no required quantum of evidence, nor does it ascribe a burden of proof to any party. *Thomas*, 2024 IL App (1st) 240479, ¶ 16. We thus concluded that

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the legislature intended this finding to be discretionary and applied an abuse of discretion standard to our review. *Id.* Other cases have applied the *de novo* standard based on our supreme court's holding in *People v. Morgan* that initial detention rulings based on proffers and documentary evidence should be reviewed *de novo*. See *e.g.*, *People v. Wilson*, 2025 IL App (1st) 242454-U, ¶ 21 (citing *People v. Morgan*, 2025 IL 130626, ¶¶ 17, 54). We need not resolve this issue as our disposition would be the same regardless of the standard applied.

¶ 29 Turning to the merits of defendant's appeal, we note that, as described above, our review of this issue is somewhat frustrated by an incomplete record. The transcript of defendant's initial detention hearing, which contains facts relied upon by the trial court in the judgment at issue in this appeal, does not appear in the record. An appellant has the burden to present a sufficiently complete record of the proceedings to support a claim of error, and in the absence of such a record on appeal, it will be presumed that the order entered by the trial court was in conformity with law and had a sufficient factual basis. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). Any doubts which may arise from the incompleteness of the record will be resolved against the appellant. *Id.* at 392.

¶ 30 A review of defendant's detention status under section 110-6.1(i-5) does not ask whether defendant poses a threat, but instead "starts from the premise that detention was necessary to guard against that threat and asks whether anything has changed such that a defendant's detention is no longer warranted." *Thomas*, 2024 IL App (1st) 240479, ¶ 14. "The original detention order is always the context against which a subsequent review must be measured. It is the baseline from which to assess the significance of any alleged change in circumstances or new information." *People v. Walton*, 2024 IL App (1st) 240541, ¶ 37.

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¶ 31 While we have a written proffer from the State, the record is nevertheless devoid of a complete record containing what both parties and the trial court said at defendant's initial detention hearing. Thus, we are deprived of important context when determining whether defendant's continued detention is necessary, especially when the record indicates that the trial court had access to the transcript from defendant's initial detention hearing. What we do know is that defendant is charged with multiple violent offenses against minor children, including the sexual assault of his own daughter. We also know that even after an order of protection was entered against him, defendant continued to harass the victims' mother, assailing her with a torrent of phone calls and driving by her home. Any proffer provided by defense counsel at the initial detention hearing is unknown, as is the full extent of defendant's criminal history or his history complying with court orders. Defendant's argument at the continued detention hearing was that the victims' outcries were delayed and uncorroborated and that the victims moved to Gary, Indiana.

¶ 32 Gary, Indiana is close to Chicago and defendant would be capable of reaching the victims in this case. Furthermore, the State provided a credible explanation for why the outcries of some of the victims were delayed. S.P. made her outcry to her mother when she began experiencing pain, and D.M.'s head injury was reported when a bath reopened the wound. Furthermore, based on the record it appears that at least some of the allegations were corroborated by other children who witnessed defendant's actions. In addition, the continued detention standard asks if "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 the defendant's willful flight from prosecution." 725 ILCS 5/110-6.1(i-5) (West 2024). We need not only concern ourselves with whether defendant poses a threat to the victims in this case, but we

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can also consider whether the allegations of his violent and volatile behavior pose a threat to any person or the community. Defendant's minimal argument regarding inconsistencies in discovery and delayed outcries, along with the fact that the victims now live in Indiana, do not persuade us that defendant's continued detention is no longer necessary, especially given the information available to us, and the gaps in the record which we must resolve against defendant. *Foutch*, 99 Ill. 2d at 391-92.

¶ 33 Based on the record before us, the trial court did not err in ordering defendant's continued detention. Accordingly, the judgment of the trial court is affirmed.

¶ 34 III. CONCLUSION

¶ 35 For the foregoing reasons, we affirm the judgment of the trial court.

¶ 36 Affirmed.