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) 260359-U

NO. 4-26-0359

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
June 23, 2026
Carla Bender
4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Sangamon County
LATAVEON L. SCOTT,	)	No. 25CF741
Defendant-Appellant.	)	
	)	
	)	Honorable
	)	Robin L. Schmidt,
	)	Judge Presiding.

JUSTICE DeARMOND delivered the judgment of the court.
Presiding Justice Steigmann and Justice Doherty concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed, finding the trial court did not err in denying defendant pretrial release.

¶ 2 Defendant, Lataveon L. Scott, appeals the trial court's denial of his petition for relief pursuant to article 110 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/art. 110 (West 2024)). On appeal, defendant argues the court erred by finding (1) his pretrial release posed a real and present threat to any person or the community and (2) no pretrial release conditions could mitigate the threat he posed. We affirm.

¶ 3 I. BACKGROUND

¶ 4 The State charged defendant with possession of a stolen firearm (720 ILCS 5/24-3.8(a) (West 2024)), unlawful possession of a weapon by a felon (720 ILCS 5/24-1.1(a) (West 2024)), and aggravated unlawful use of a weapon (720 ILCS 5/24-1.6(a)(1) (West 2024)). (We

note that as the charged act was alleged to have occurred in May 2025, defendant should have been charged with unlawful "possession" of a weapon due to new statutory language taking effect January 1, 2025.)

¶ 5 On August 21, 2025, the State petitioned to deny defendant pretrial release, and the trial court conducted a hearing on the following day.

¶ 6 According to the police report narrative, law enforcement observed two vehicles parked perpendicular to the road, blocking the sidewalk. Officers observed smoke emanating from the vehicles, and they detected the strong odor of burning cannabis. When officers activated their squad car's emergency lights, a man "immediately fled on foot and discarded a firearm." Defendant exited the driver's seat of one of the vehicles. Officers recognized defendant from their prior interactions and by his face tattoos. Defendant repeatedly turned his attention back to the vehicle and "appeared very nervous about something inside of the vehicle." Defendant eventually fled on foot. Officers looked through the vehicle's windshield and observed "a weapon mounted light, the rail of a tan pistol, the trigger guard, and part of a magazine." Under the vehicle's driver's seat, where defendant had been sitting, officers discovered "a tan Springfield Armory XDM" firearm with an extended magazine, one round in the chamber, and an unknown number of live rounds in the magazine.

¶ 7 Defendant's criminal history included convictions for unlawful possession of a firearm by a street gang member in Sangamon County case Nos. 2017-CF-325 and 2020-CF-369. At the time of his arrest, defendant was on pretrial release in case No. 25-MT-471.

¶ 8 The State argued the proof was evident or presumption great that defendant committed a detainable offense, his repeated illegal possession of firearms endangered the community, release conditions would not prevent him from obtaining or possessing firearms if

he received pretrial release, and he was unlikely to comply with release conditions.

¶ 9 Defendant argued his most recent offense was committed in 2021, and he had gone "several years *** without getting into any trouble." Defendant successfully completed a term of mandatory supervised release and had just one failure to appear in court, which occurred in 2018. Defendant contended he was not the only person in the vehicle where the firearm was discovered, and neither of the illegally parked vehicles belonged to him. Defendant asserted he did not present a danger because he never held the firearm during the incident, nor did he point it at someone or use it "to fulfill some other criminal purpose." Defendant insisted home confinement would mitigate any threat he posed.

¶ 10 The trial court granted the State's petition, finding the proof was evident or presumption great that defendant committed a detainable offense, he posed a safety threat to the community, and no release conditions could mitigate that threat. The court observed that a loaded firearm was found under the vehicle's driver's seat, where defendant had been sitting. The court highlighted defendant's prior firearm-related convictions and his "history of violent offenses," which included aggravated battery and mob action. The court found release conditions, such as electronic monitoring and home confinement, would not mitigate the danger defendant posed because they would not prevent him from obtaining and possessing firearms in the future.

¶ 11 On October 22, 2025, defendant filed a motion for relief requesting the trial court revisit its pretrial detention decision. The court conducted a detention review, after which it affirmed the decision to deny defendant pretrial release.

¶ 12 During a hearing on January 22, 2026, defendant argued that changed circumstances warranted his pretrial release. The trial court denied defendant's request, finding

the cited changes did not mitigate the threat he posed to the community.

¶ 13 This appeal followed.

¶ 14 II. ANALYSIS

¶ 15 The Office of the State Appellate Defender, defendant's appointed counsel on appeal, did not file a supporting memorandum. Thus, defendant's motion for relief will serve as his argument on appeal. See Ill. S. Ct. R. 604(h)(7) (eff. Apr. 15, 2024). His motion alleges the trial court erred by finding (1) he posed a real and present threat to the safety of any person or the community and (2) no release conditions could mitigate that threat. We disagree.

¶ 16 Under section 110-6.1(e) of the Code (725 ILCS 5/110-6.1(e) (West 2024)), it is presumed all criminal defendants are entitled to pretrial release. The State may seek a defendant's pretrial detention if he is charged with a detainable offense as enumerated in the Code and, after a hearing, the trial court finds his release would present "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 he "has a high likelihood of willful flight to avoid prosecution." 725 ILCS 5/110-6.1(a)(1), (1.5), (8) (West 2024). The State must also show no condition or combination of conditions can mitigate the real and present threat the defendant's release poses to the safety of any person or persons or the community. 725 ILCS 5/110-6.1(e)(3)(i) (West 2024). The State bears the burden of proving "by clear and convincing evidence that any condition of [pretrial] release is necessary." 725 ILCS 5/110-2(b) (West 2024). Where, as here, the parties proceed solely by proffer at the detention hearing, we review the court's decision *de novo*. *People v. Morgan*, 2025 IL 130626, ¶ 54.

¶ 17 First, the State proved by clear and convincing evidence that defendant posed a real and present threat to the safety of the community. The trial court specifically cited the nature

and circumstances of the offense, defendant's history, character, and access to weapons, and the fact that the charged offenses occurred while defendant was on pretrial release in another case. See 725 ILCS 5/110-6.1(g)(1), (2), (7), (8) (West 2024). Defendant's criminal history included convictions for violent offenses, including aggravated battery (720 ILCS 5/12-3.05 (West 2020)), mob action (720 ILCS 5/25-1 (West 2020)), and multiple convictions for illegally possessing a firearm as a street gang member (720 ILCS 5/24-1.8 (West 2016)). Despite not being permitted to possess firearms, defendant once again faces charges for firearm-related offenses. The record shows he continued to have access to firearms, and he associated with individuals who also had access to firearms. Based on the nature of the charged offenses, defendant's criminal history, character, access to weapons, and the fact that the offense occurred while he was on pretrial release in another case, the court did not err in finding he posed a safety threat to the community. See *Morgan*, 2025 IL 130626, ¶ 54; see also 725 ILCS 5/110-6.1(a)(1.5), (g)(1), (2), (7), (8) (West 2024).

¶ 18 Second, the record supports the trial court's determination that no combination of release conditions would mitigate the threat defendant poses. As the court recognized during the detention hearing, neither electronic monitoring nor home confinement would prevent defendant from obtaining or possessing firearms. Defendant was on pretrial release in case No. 25-MT-471 when charges were brought in the instant case, and those release conditions included the requirement that he not commit any more offenses. Similarly, as a felon, defendant was statutorily prohibited from possessing firearms, but a firearm was discovered under the seat in which he had been sitting moments before. See 720 ILCS 5/24-1.1(a) (West 2024). Defendant's failure to comply with these restrictions demonstrates he was unlikely to comply with any pretrial release conditions the court could have imposed. For all these reasons, the court did not

err in finding no pretrial release conditions would mitigate the threat defendant posed. See *Morgan*, 2025 IL 130626, ¶ 54; see also 725 ILCS 5/110-6.1(e)(3)(i) (West 2024).

¶ 19 III. CONCLUSION

¶ 20 For the foregoing reasons, we affirm the trial court's judgment.

¶ 21 Affirmed.