

No. 1-25-2412B

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IN THE  
 APPELLATE COURT OF ILLINOIS  
 FIRST JUDICIAL DISTRICT

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THE PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
	)	Cook County.
v.	)	
	)	Nos. 25 DV 7461801
WILLIAM BOUCHER,	)	25 CR 1057601
	)	
Defendant-Appellant.	)	The Honorable
	)	Lisette Mojica,
	)	Alfredo Maldonado,
	)	Judges, Presiding.

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JUSTICE ODEN JOHNSON delivered the judgment of the court, with opinion.  
 Presiding Justice Mitchell and Justice Wilson concurred in the judgment and opinion.

**OPINION**

¶ 1 Defendant William Boucher appeals his pretrial detention pursuant to Illinois Supreme Court Rule 604(h) (eff. Apr. 15, 2024), initially entered on August 21, 2025, under case number 25 DV 7461801. Defendant was charged with one count of disorderly conduct based on a false bomb threat. The trial court continued defendant’s detention after his subsequent indictment on September 16, 2025, under case number 25 CR 1057601, for six counts of intimidation and

two counts of harassment through electronic communications. The trial court granted the State's initial petition to detain defendant because he posed a real and present threat to the community based on the specific articulable facts of the case and denied defendant pretrial release. Defendant's motion for relief, filed on November 6, 2025, was denied following a hearing on November 12, 2025. Defendant filed a timely notice of appeal on November 12, 2025, and a Rule 604(h) memorandum. For the reasons that follow, we affirm.

¶ 2

### I. BACKGROUND

¶ 3

Defendant was arrested on August 18, 2025, and charged by felony complaint with disorderly conduct—making a false bomb threat under case number 25 DV 7461801. On August 21, 2025, the State sought leave to file a petition to detain defendant based on the charge, arguing that it was a detainable offense under the residual clause of section 110-6.1(a)(1.5) of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/110-6.1(a)(1.5) (West 2024)). Defendant initially objected to the petition by arguing that disorderly conduct was not a detainable offense; however, he withdrew the objection after the State's residual clause explanation. The trial court granted the State leave to file the petition.

¶ 4

In support of the petition, the State indicated that the victim (defendant's ex-girlfriend) and defendant were dating off and on for two years. The victim ended the relationship in May 2025 and blocked communication with defendant because he made multiple threats towards her. On May 20, 2025, the victim told police that defendant sent a text message and left a voicemail saying that, if she did not respond, he would kill her. The victim played the voicemail for police. On that same day, defendant left the victim another voicemail stating that he would throw a hairspray bottle with an M-80 firecracker into a police station via drone every week until the victim resolved their issues and stated that he had no problem spilling human blood.

The victim identified defendant's voice from the voicemail. At the time, the State indicated that there was currently one felony complaint for disorderly conduct but that there might be additional charges in the case.

¶ 5 Additionally, at the time of the charged offense, defendant was on probation for an aggravated assault that occurred in February 2024. In that case, two Chicago firefighters told police that, as they backed their fire truck into the fire station, defendant failed to yield and almost hit one of the firefighters. Both firefighters indicated that defendant was hostile and aggressive toward them, defendant told them to get out of his way or he would shoot them, and defendant stated that they had better lock their doors.

¶ 6 The State also indicated that defendant had a 2017 felony hate crime conviction with a one-year prison sentence in his background. The underlying incident occurred when defendant got angry after he was accidentally bumped by a stranger in Starbucks. Defendant subsequently yelled racial slurs at the person as well as other customers, and when he left the Starbucks, he intentionally hit a person on the street with a closed fist and spit on another person.

¶ 7 On June 13, 2025, the victim obtained an order of protection (OOP) against defendant. There were also two out-of-state OOPs against defendant involving different victims.

¶ 8 The pretrial services representative indicated that defendant "has a no for New Violent Criminal Activity Flag, a 4 for New Criminal Activity Scale and a 3 for Failure to Appear Scale. PSA coincides with Release Level 2. A DVSI was completed with a score of 6."

¶ 9 In further support of its motion, the State argued that the proof was evident and the presumption great that defendant committed the detainable offense of disorderly conduct "wherein he made a serious threat to harm not only this victim but to harm the community at large, and specifically to harm members of various Chicago police Departments." The State

also argued that defendant posed a real and present threat to the victim and the community based on his probation status when he committed the offense and the threats he made and that there were no conditions that could mitigate the threat defendant posed because he was on probation when he committed the offense, which demonstrated that he would not comply with conditions.

¶ 10 In response, defendant argued that (1) the police officers were not familiar with his voice and anyone could be the voice in the voicemail that the victim played for the police, (2) there is no evidence that he had any explosives, (3) he was not a threat to the victim or the community because since the threats were made he had not followed through on any of them, so those were empty threats, (4) there had been no contact with the victim since the threats were made, and (5) there were conditions that could mitigate any threat because there were no other allegations of him violating his probation.

¶ 11 The circuit court granted the victim an OOP, which was served on defendant in open court. The circuit court also found the proof was evident and the presumption great that defendant committed the charged offense, which, although not enumerated as a detainable offense, was a detainable offense under the residual clause of section 110-6.1(a)(1.5) of the Code (*id.*). In doing so, the court found that defendant posed a real and present threat to the community, stating that it was “chilling even to hear about the voicemail that this defendant allegedly left on Ms. Hernandez’s phone, first stating that he would kill her and then after that, leaving a voicemail stating that he would resolve this by throwing an M-80 firecracker with a hairspray bottle attached to it and throw it into a police station every single week and that he had no problem with taking human blood.” Further, the court found that there were no conditions that could mitigate the threat defendant posed, noting that it was “mindful of the fact that throwing

a bomb essentially constructed out of an M-80 tied to a hairspray could hurt many members of the community, not just law enforcement. And that’s impactful to this Court.” The court then stated: “I simply can’t address or apply a GPS monitor that corresponds to every police station in Chicago that he might see fit to throw a makeshift bomb at in order to protect law enforcement in any way, shape, or form, and electronic monitoring wouldn’t serve that purpose either.” As a result, the trial court denied defendant pretrial release.

¶ 12 The State also filed a petition to find defendant’s probation violated.

¶ 13 On September 25, 2025, defendant was indicted under case number 25 CR 1057601 and charged with six counts of intimidation—physical harm, a Class 3 felony (720 ILCS 5/12-6(a)(1) (West 2024)), and two counts of harassment by telephone, a Class 2 felony (*id.* § 26.5-2(a)(2)).

¶ 14 On November 6, 2025, defendant filed a motion for relief, arguing that (1) disorderly conduct was not a detainable offense, (2) the State did not file an updated petition when it indicted defendant on new charges, (3) the State did not prove that defendant committed the charged offenses, (4) the State did not prove that defendant posed a real and present threat, and (5) the State did not prove that there were no conditions that could mitigate that threat. A hearing was held on November 12, 2025. At the hearing, defendant reiterated the arguments raised in his motion for relief and further argued that under *People v. Davis*, 2024 IL App (3d) 240244, disorderly conduct—making a false bomb threat was not a detainable offense, nor were the new charges detainable offenses.

¶ 15 The State countered that defendant was properly detainable under the residual clause and that *Davis* was factually distinguishable. The State indicated that defendant posed a real and

present threat based on the specific facts of the case and that there were no conditions that could mitigate defendant's dangerousness because he committed his crimes electronically.

¶ 16 The trial court denied defendant's motion for relief, finding that the initial detention was correct, that even if it was error defendant was eligible for detention based on the new indicted charge, and that the detention request was timely. The trial court further found that, based on the facts of the case, defendant was a danger to his ex-girlfriend and the community. The court also found that no conditions of release could mitigate defendant's dangerousness because of his criminal history, the facts of the case, and the fact that he was on probation when he committed the charged offense.

¶ 17 Defendant subsequently filed his notice of appeal on November 12, 2025, and filed his memorandum in support of his appeal on January 16, 2026. In his appeal, defendant restated the arguments raised in his motion for release filed in the trial court. He further argued that the trial court erred in denying his motion because the State did not file a new petition for detention based on the new charges in the subsequent indictment. Defendant also argued that a petition to detain would now be untimely.

¶ 18 II. ANALYSIS

¶ 19 On appeal, defendant advances all of the arguments made in his motion for pretrial release on this appeal. As noted above, defendant contends that (1) disorderly conduct was not a detainable offense, (2) the State did not file an updated petition when it indicted defendant on new charges, (3) the State did not prove that defendant committed the charged offenses, (4) the State did not prove that defendant posed a real and present threat, and (5) the State did not prove that there were no conditions of release that could mitigate that threat.

¶ 20 A. Detainable Offense Under the Residual Clause

¶ 21 Defendant first contends that the State’s initial detention petition failed to allege that he committed a detention-eligible offense because disorderly conduct—making a false bomb threat did not fall under the residual clause. Resolving this issue involves statutory construction, which we review *de novo*. *People v. Minssen*, 2024 IL App (4th) 231198, ¶ 17. When construing a statute, our objective is to ascertain and effectuate the legislature’s intent. *Id.* In construing a statute, we may consider the reason and necessity for the law, the evils it was intended to remedy, and its ultimate aims. *Id.* Although the most reliable indication of legislative intent is the plain and ordinary meaning of the statute’s language, we review the statute in its entirety. *Id.*

¶ 22 However, we must first address the State’s contention that defendant is estopped from raising this issue on appeal because defendant withdrew his objection to the detention petition, arguing that disorderly conduct—making a false bomb threat was not a detainable offense after the State explained that it was proceeding under the residual clause. The State maintains that, by withdrawing his objection, defendant conceded that disorderly conduct as charged in this case was a detainable offense and is thus estopped from arguing to the contrary on appeal under the invited-error doctrine.

¶ 23 We disagree with the State’s position. This issue was raised in defendant’s pretrial release motion, filed pursuant to Illinois Supreme Court Rule 604(h)(2) (eff. Apr. 15, 2024), which we find supersedes the withdrawal of the objection at the earlier hearing. The Rule 604(h)(2) motion for relief is a procedural prerequisite to reaching the merits of an appeal and is required to provide the grounds for the relief requested in the motion. *People v. Burries*, 2025 IL App (5th) 241033, ¶ 25. It is the motion for relief that establishes the arguments that may be presented on appeal. Ill. S. Ct. R. 604(h)(2) (eff. Apr. 15, 2024). On appeal, any issue not raised

in the motion for relief, other than errors occurring for the first time at the hearing on the motion for relief, shall be deemed waived. *Id.* Accordingly, we will review this issue on the merits.

¶ 24 Section 110-6.1(a) of the Code (725 ILCS 5/110-6.1(a) (West 2024)) contains 10 subsections specifying which offenses are detainable and under what circumstances. In this case, the State invoked section 110-6.1(a)(1.5) of the Code as the sole basis for detention.

¶ 25 Section 110-6.1(a)(1.5) of the Code authorizes a trial court to deny a defendant pretrial release if

“the defendant’s pretrial release 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 the defendant is charged with a forcible felony, which as used in this Section, means treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated robbery, robbery, burglary where there is use of force against another person, residual burglary, home invasion, vehicular invasion, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement *or any other felony which involves the threat of or infliction of great bodily harm or permanent disability or disfigurement.*” (Emphasis added.) *Id.* § 110-6.1(a)(1.5).

¶ 26 At defendant’s initial detention hearing, the State sought defendant’s detention under the residual clause of section 110-6.1(a)(1.5) of the Code (*id.*) based the felony complaint charge against defendant in case number 25 DV 7461801 for disorderly conduct—making a false

bomb threat, codified in section 26-1(a)(3) of the Criminal Code of 2012 (720 ILCS 5/26-1(a)(3) (West 2024)) as follows:

“(a) A person commits disorderly conduct when he or she knowingly:

\* \* \*

(3) Transmits or causes to be transmitted in any manner to another a false alarm to the effect that a bomb or other explosive of any nature or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in a place where its explosion or release would endanger human life, knowing at the time of the transmission that there is no reasonable ground for believing that the bomb, explosive or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in the place[.]”

¶ 27 The felony complaint alleged that defendant committed the offense of disorderly conduct—false bomb threat in that he

“knowingly threatened by voicemail stating, ‘Every week you don’t resolve this, I will throw an M80 firecracker with a hairspray bottle, and throw it in police station[s], using a drone. I have no problem taking human blood,’ which provoked a breach of peace. In order for a violation of the disorderly conduct statute to occur by words alone, the words must be ‘fighting words,’ those which by the very utterance, inflict injury or tend to incite an immediate breach of peace.”

We must determine whether the charged offense was a detainable offense under the Code.

¶ 28 The residual clause in section 110-6.1(a)(1.5) of the Code provides that a forcible felony includes any other felony that involves the threat of or infliction of great bodily harm or permanent disability or disfigurement. 725 ILCS 5/110-6.1(a)(1.5) (West 2024). Here, it was

alleged that defendant threatened the victim that he would essentially use drones to throw Molotov cocktails in police stations weekly until the victim would talk to him and that he had no problem taking human blood. Defendant's reliance on *Davis*, 2024 IL App (3d) 240244, is misplaced, as we find the case distinguishable. In that case, the Third District of this court found that defendant's charge of disorderly conduct based on defendant knowingly transmitting a false report that a crime would be committed (720 ILCS 5/26-1(a)(4), (b) (West 2022)) was not a forcible felony because, as charged in the indictment, defendant did not threaten great bodily harm or permanent disability or disfigurement; rather, he made a false report that a crime would be committed. *Davis*, 2024 IL App (3d) 240244, ¶ 23. The court found that, by definition, a knowingly false report was not a threat and therefore did not involve the threat of great bodily harm or permanent disability or disfigurement. *Id.*

¶ 29 In contrast, we find that defendant's alleged offense in this case falls within the conduct contemplated by the Code. It is clear that defendant's alleged conduct in the felony complaint actually threatened the infliction of great bodily harm to the victim, police personnel, and any members of the community that would be present in police stations by tossing bombs inside. See *People v. Delaney*, 2024 IL App (5th) 240231, ¶ 25; *People v. Henry*, 2024 IL App (1st) 241746-U, ¶ 39.<sup>1</sup> Accordingly, we reject defendant's contention and find that disorderly conduct—making a false bomb threat under the circumstances presented in this case falls under the residual clause and was a detainable offense.

¶ 30 B. Whether an Updated Detention Petition Was Required

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<sup>1</sup>Although *Henry* is an unpublished case, we may consider it as persuasive authority as permitted under Illinois Supreme Court Rule 23(e)(1) (eff. June 3, 2025).

¶ 31 Next, defendant contends that the State failed to file an updated petition after he was indicted on different charges and that he could not be denied pretrial release on those charges. He argues that, because the State did not file a new detention petition, there was no new hearing; rather, the trial court made those arguments for the State at the hearing on defendant's motion for relief. Nor was there a detention hearing where the State proved by clear and convincing evidence that the proof was evident or the presumption great that defendant committed the offense of harassment by electronic means. Further, defendant contends that any petition filed as of November 12, 2025, would have been untimely because such petition would have been due either at his arraignment on September 25, 2025, or 21 days after, no later than October 16, 2025. Defendant cites this court's decision in *People v. Schwedler*, 2025 IL App (1st) 242157, as support for his position that a new petition would have been untimely.

¶ 32 As noted by the State, we note that defendant has not cited any cases that specifically hold that the State must file a new detention petition when a felony complaint is superseded by an indictment. Rather, defendant's memorandum noted that in *Schwedler* the court found that the superseding indictment constituted a new case that alleged a new, detainable offense, for which the Code then permitted the State to determine whether to request pretrial detention at the defendant's first court appearance or within 21 days of his release. *Id.* ¶ 25.

¶ 33 We find that *Schwedler* is distinguishable from the instant case. In *Schwedler*, the defendant was arrested and charged with reckless conduct with great bodily harm on August 7, 2024, and subsequently released pending trial with conditions on August 8, 2024. *Id.* ¶¶ 3-4. The State did not file a detention petition. *Id.* ¶ 4. The defendant was subsequently indicted on involuntary manslaughter and mob action after the victim died on September 3, 2024, and the State filed a detention petition on September 26, 2024. *Id.* ¶¶ 5-6. The defendant moved to

strike the petition on October 7, 2024, arguing that it was untimely and that the superseding indictment did not reset the clock because the new case arose from the same set of facts. *Id.* ¶ 8. The court noted that according to section 110-6.1(d)(2) of the Code (725 ILCS 5/110-6.1(d)(2) (West 2022)), the State may seek to file a second or subsequent petition and the State shall be required to present a verified application setting forth in detail any new facts not known or obtainable at the time of the filing of the previous petition. *Schwedler*, 2025 IL App (1st) 242157, ¶ 26. This court ultimately concluded that the superseding indictment charged Schwedler with a crime he could not have been charged with at the time of the initial appearance on his first case and thus the State was permitted to file an initial pretrial detention petition within 21 days of that arraignment, even if the new case arose from the same general conduct of a previous case. *Id.* ¶ 28. The court specifically rejected the defendant's argument that the superseding indictment was not based on new conduct unknown to the State at the time of the charges in the original case, finding that the Code does not delineate between first court appearances for new cases based on whether a defendant was previously charged for the same incident and that it would not interpret a statute to include additional requirements unsupported by the text. *Id.* The court further noted that the Code does not require the State to pursue detention any time a defendant is eligible for it. *Id.* ¶ 29.

¶ 34 We find that the *Schwedler* case is distinguishable from the instant case in several respects and does not support defendant's arguments that the State was required to file a subsequent detention petition or that such petition would have been untimely after October 16, 2025. While defendant is correct that his later indictment stemmed from the same alleged conduct as the initial felony complaint in the domestic violence case, defendant misapplies the provisions of the relevant statute with regards to when or if a subsequent petition is required. We have

already determined that the offense alleged in the initial felony complaint was a detainable offense under the residual clause, and thus the State's detention petition was properly filed at that time. As noted above, pursuant to section 110-6.1(d)(2) of the Code, the State may seek to file a second or subsequent detention petition *if it can demonstrate it learned of new facts not known or obtainable at the time of the filing of the previous petition.* 725 ILCS 5/110-6.1(d)(2) (West 2024). Those are not the circumstances presented in the case at bar. First, the State did file a pretrial detention petition based on the initial felony complaint, which was granted. The State noted at that time that additional charges might arise. The later indictment was not based on any new facts but was based on the same alleged conduct; thus it would have been improper for the State to seek to file an additional detention petition, particularly where defendant was already detained. We therefore reject defendant's contention that the State was required to file a subsequent or updated detention petition based on the later indictment.

¶ 35 C. Whether the New Charges Are Detainable Offenses

¶ 36 Next, defendant contends that the new charges of intimidation and harassment are not detainable offenses under the enumerated offenses or under the residual clause because text messages and voicemails do not rise to the level of a threat of infliction of great bodily harm or permanent disability or disfigurement. We decline to address this issue, as we believe that our discussion above on whether the offense charged in the felony complaint was detainable equally applies to the offenses charged in the indictment as they arose from the same conduct.

¶ 37 D. Whether the Trial Court Properly Denied Pretrial Release

¶ 38 Finally, defendant contends that the trial court erred in granting the State's motion for pretrial detention because the State failed to meet its burden that (1) the proof is evident or the presumption great that he committed the charged offense where it relied on a single witness's

claim that it was defendant on voicemail and in the text messages; (2) defendant posed a real and present threat to the safety of any person or the community where he had no weapons to complete the threats and where three months passed between the alleged conduct and his arrest without incident; and (3) no condition or combination of conditions could mitigate the real and present threat to the safety of any person or persons where defendant had no new violent criminal activity, was medium-low risk on the DVSI assessment, was working full-time, and had stable housing.

¶ 39 Section 110-2(a) of the Code (*id.* § 110-2(a)) says that it is presumed that a defendant is entitled to release on personal recognizance subject to certain universal conditions. Section 110-6.1(e)(1) of the Code (*id.* § 110-6.1(e)(1)) provides that the State must prove by clear and convincing evidence that the proof is evident or the presumption great that the defendant has committed a detainable offense. Further, section 110-6.1(f)(7) of the Code (*id.* § 110-6.1(f)(7)) provides that decisions regarding release, conditions of release, and detention prior to trial must be individualized. In other words, defendant was presumptively entitled to be released before trial, the State had the burden to prove otherwise, and the trial court had to adopt an individualized approach when deciding the State’s request for detention. 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.” (Internal quotation marks omitted.) *In re Tiffany W.*, 2012 IL App (1st) 102492-B, ¶ 12.

¶ 40 The appropriate standard of review for whether the State provided clear and convincing evidence as to the three elements necessary to justify pretrial detention is whether the trial court’s finding was against the manifest weight of the evidence. *People v. Pitts*, 2024 IL App (1st) 232336, ¶ 29. A finding is against the manifest weight of the evidence only if the opposite

conclusion is clearly evident or if the finding itself is unreasonable, arbitrary, or not based on the evidence presented. *Id.* While a trial court's factual findings are entitled to deference, when parties to a pretrial detention hearing proceed solely by proffer, the reviewing court stands in the same position as the trial court and may therefore conduct its own independent review of the proffered documentary evidence, and we review the record *de novo*. *People v. Morgan*, 2025 IL 130626, ¶ 51. In this case, the hearing on the State's detention petition proceeded by proffer as noted above, so our review is *de novo*.

¶ 41 As to the first element, we find that the proof is evident or the presumption is great that defendant committed the offense of disorderly conduct—making a false bomb threat. The State's proffer established that after defendant's ex-girlfriend ended their relationship in May 2025 and blocked communication with defendant because he made multiple threats towards her, on May 20, 2025, she told police that defendant sent a text message and left a voicemail saying that, if she did not respond, he would kill her. The victim played the voicemail for police. On that same day, defendant left the victim another voicemail stating that he would throw a hairspray bottle with an M-80 firecracker into a police station via drone every week until the victim resolved their issues and stated that he had no problem spilling human blood. The victim identified defendant's voice from the voicemail. Defendant's argument in response was that the police were not familiar with his voice and that the voice on voicemail played for police could have belonged to anyone.

¶ 42 The State's burden at this stage is not proof beyond a reasonable doubt but rather only whether there was clear and convincing evidence that proof was evident or the presumption great. 725 ILCS 5/110-6.1(e)(1) (West 2024); *Pitts*, 2024 IL App (1st) 232336, ¶ 35. Based on the evidence presented, we do not believe that the trial court's finding was unreasonable,

arbitrary, or not based on the evidence presented; nor was the opposite conclusion clearly apparent.

¶ 43           Regarding whether defendant posed a real and present threat to the safety of any person or the community based on the specific articulable facts of the case, we find that the State's proffer established that defendant not only made the threat of bombing police stations, but he also threatened to kill the victim. Indeed, the victim secured an order of protection against him in the initial domestic violence case. Additionally, defendant was on probation at the time of the charged offense for aggravated assault against firefighters and had a 2017 felony hate crime conviction in his background. The facts of this case as well as defendant's criminal background point to a history of violence against public servants and members of the community. The trial court did not err in finding this element was proven by clear and convincing evidence.

¶ 44           Finally, as to whether any conditions or combination of conditions would mitigate the risk to the victim and community posed by defendant, we note that defendant was on probation for aggravated assault at the time of the alleged offenses. Moreover, we note that defendant's felony hate crime conviction stemmed from an incident in Starbucks where another patron bumped him, to which he responded by yelling racial slurs before intentionally punching a passerby and spitting on another person after leaving the Starbucks. Defendant threatened to kill his ex-girlfriend and made threats of bombing police stations if she did not attempt to reconcile with him. These incidents, as noted above, are all evidence of defendant's history of violence, even after serving prison time for the felony hate crime conviction and being on probation for aggravated assault, and show defendant's unwillingness to abide by conditions. Further, as noted by the trial court, a GPS monitor could not be applied that would correspond to every police station in Chicago that defendant might see fit throw a makeshift bomb at in



*People v. Boucher, 2026 IL App (1st) 252412*

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**Decision Under Review:** Appeal from the Circuit Court of Cook County, Nos. 25-DV-7461801, 25-CR-1057601; the Hon. Lisette Mojica and the Hon. Alredo Maldonado, Judges, presiding.

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**Attorneys for Appellant:** Sharone R. Mitchell Jr., Public Defender, of Chicago (Rebecca A. Cohen, Assistant Public Defender, of counsel), for appellant.

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**Attorneys for Appellee:** Eileen O'Neill Burke, State's Attorney, of Chicago (Joseph Alexander, Assistant State's Attorney, of counsel), for the People.

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