

September 18, 2023). We affirm.

¶ 3

I. BACKGROUND

¶ 4

This appeal involves six separate cases consolidated for appeal. Over a period of less than four months, the State charged defendant with multiple retail-theft offenses and two offenses resulting from her attempts to avoid arrest. In the first case, Winnebago County case No. 23-CF-1483, the State charged defendant on June 22, 2023, with retail theft over \$300 (720 ILCS 5/16-25(a)(1), (f)(3) (West 2022)), a Class 3 felony (appellate case No. 4-23-1095). Less than one month later, in Winnebago County case No. 23-CF-1674, the State charged defendant with resisting a peace officer-injury (*id.* § 31-1(a-7)) and obstructing identification (*id.* § 31-4.5(a)) (4-23-1094). According to the charges, defendant pulled away from a peace officer to avoid being arrested, causing a laceration to an officer's wrist, and she provided a false name and date of birth at the time of her arrest. On July 18, 2023, in Winnebago County case No. 23-CM-1398, the State charged defendant with retail theft under \$300 (*id.* § 16-25(a)(1), (f)(1)), a Class A misdemeanor, from Kohl's (appellate case No. 4-23-1097). Two days later, the State charged defendant with another retail theft from Kohl's (*id.* § 16-25(a)(1), (f)(3), a Class 3 felony, in Winnebago County case No. 23-CF-1691 (appellate case No. 4-23-1096). On August 1, 2023, the State charged defendant with retail theft under \$300 from Lowes (*id.* § 16-25(a)(1), (f)(1)), a Class A misdemeanor, in Winnebago County case No. 23-CM-1664 and given notice to appear (appellate case No. 4-23-1098). On October 2, 2023, the State charged defendant with retail theft over \$300 from O'Reilly's Auto Parts (O'Reilly's) (*id.* § 16-25(a)(1), (f)(3)), a Class 3 felony, in Winnebago County case No. 23-CF-2315 (appellate case No. 4-23-1099). In that case, the State asserted defendant took an air compressor, LED lights, and two knives.

¶ 5

The record reveals multiple orders relevant to defendant's release on bond. In

case Nos. 23-CF-1674, 23-CF-1483, and 23-CM-1398, the trial court, on July 19, 2023, imposed a condition on defendant's bond that she have no contact with Kohl's stores. Bond was set at \$15,000. At a bond-review hearing two days later, the court ordered other conditions of bond, including not violating criminal statutes and complying with assessments, counseling, education, treatment, and submitting to substance-abuse evaluations. In case No. 23-CM-1664, in August 2023, defendant was barred from having contact with Lowes. Bond was set at \$15,000, concurrent with the other cases. On August 29, 2023, defendant filed motions for bond reductions in multiple cases. In those motions, defendant remained in custody, as she was unable to pay the bond. Bond was not reduced.

¶ 6 On September 22, 2023, a bail bond for appearance of defendant was issued for the five cases that were pending against her at that time. Defendant was ordered to appear for an October 2023 hearing. Less than two weeks after her release on bond, on October 2, 2023, defendant was arrested and charged with retail theft from O'Reilly's.

¶ 7 On October 3, 2023, the State, in case Nos. 23-CF-1483 and 23-CM-1398, filed a petition to revoke defendant's pretrial release. According to the petition, the State sought to revoke defendant's pretrial release under section 110-6(a) of the Code (725 ILCS 5/110-6(a) (West 2022)). The State alleged defendant, after having multiple charges of retail theft, was on pretrial release when she committed retail theft from O'Reilly's. The State further asserted no condition or combination of conditions of release would reasonably ensure the appearance of defendant for later hearings or prevent her from being charged with a subsequent felony or class A misdemeanor.

¶ 8 The following day, the trial court held a hearing on the State's petition to revoke. At the hearing, the State proceeded with proffers of evidence. The State emphasized defendant

was on pretrial release for five cases when she committed the retail theft from O'Reilly's. The State noted defendant was a high risk, scoring nine on the pretrial services report when the motion to reduce bond was denied. Defendant had multiple failures to appear on warrants, including three in 2020 and 2021 and two additional ones in 2020, where bench warrants were issued but later recalled. The State further noted defendant had been released from parole for just one month before she committed the first of the charged offenses. The State further proffered the facts of the O'Reilly's case. In that case, police officers responded to a robbery at O'Reilly's. The manager of the store explained a white female entered the store wearing short shorts and a cowboy hat. The female took items valued at over \$300, ran to the door, and entered a blue Dodge Dakota that was driven by a white male. The officers located the vehicle and observed a female attempting to hide herself behind a visor. After the vehicle drove through a red light, a traffic stop was initiated. The female was identified as defendant. The items taken from O'Reilly's were sitting just below her legs. The driver stated he did not know defendant was going to steal items. The driver was also involved in case No. 23-CF-1483.

¶ 9 In response, defense counsel argued defendant had just been picked up by the driver and the vehicle had been stopped more than one hour after police responded to O'Reilly's. Defense counsel noted the proffer did not include a description of a cowboy hat or any other clothing defendant was wearing. Defense counsel argued, while the description was sufficient for probable cause to arrest defendant, it was not enough to find clear and convincing evidence she committed the theft. Defense counsel further noted there were conditions that could be imposed upon defendant to keep her from reoffending, including the referral to "Rosecrance." Defendant personally informed the trial court she appeared at her pretrial appointment the day before and had an appointment scheduled with "LPJ mental health."

¶ 10 The trial court granted the State’s petition to revoke. The court noted defendant’s criminal history included out-of-county records with retail-theft-type offenses, which were “misdemeanors, at least initially.” These retail-theft-type offenses included possession of drugs, paraphernalia, resisting, misuse of a credit card, and battery. The court further noted defendant had been discharged from parole on June 26, 2023, after having spent two years in the Illinois Department of Corrections (DOC) but stated a court order “called it an unsuccessful discharge from Drug Court in a DOC sentence so although not on parole.” The court further noted the Virginia Pretrial Risk Assessment Revised found “an extremely high risk based on the current charges of felony drug, felony theft or felony fraud.” The court stressed the number of pending charges and the multiple failures to appear, defendant’s unemployment and history of drug abuse, and the fact that her score was just one point below the maximum indicated she does not generally comply with terms and conditions. The court expressly adopted its findings from the September 14, 2023, hearing on defendant’s motion to reduce bond and found no conditions of release would secure her attendance at trial or prevent her from committing new criminal offenses. The court ordered defendant detained until she resolved one or more of her cases by trial, plea, or hearing.

¶ 11 This appeal followed.

¶ 12 II. ANALYSIS

¶ 13 Defendant did not file a memorandum on appeal but chose to stand on the arguments made in her notice of appeal. Defendant’s notice of appeal is a completed form from the Article VI Forms Appendix to the Illinois Supreme Court Rules (see Ill. S. Ct. R. 606(d) (eff. Sept. 18, 2023)), by which she asks this court to reinstate her pretrial release. The form lists several possible grounds for appellate relief and directs appellants to “check all that apply and

describe in detail.” Defendant checked three grounds for relief and wrote on the preprinted lines a few sentences to support her claim. The first ground for relief checked by defendant is the State failed to meet its burden of proving by clear and convincing evidence the proof is evident or the presumption great she committed the offenses charged. On the lines below the preprinted text, defendant wrote the following: “The Defendant was not arrested on the scene of the theft. The proffer did not include information to cor[r]oborate the driver’s statement that he dropped the Defendant off[f] at the store and that she must have gone in to steal.” The second ground for relief checked by defendant is the State failed to meet its burden of proving by clear and convincing evidence no condition or combination of conditions can mitigate the real and present threat to the safety of any person or persons or the community. Under the preprinted text, defendant wrote: “The Defendant testified that she had just connected with services to help her[] but was not in them yet. Those were still a resource that had not been exhausted.” The last box checked was the trial court erred in determining no condition or combination of conditions would reasonably ensure defendant’s appearance for later hearings or prevent her from being charged with a subsequent felony or Class A misdemeanor. On the preprinted lines below the preprinted text, defendant wrote “[s]ee response above.” Defendant did not file a memorandum in support of her appeal.

¶ 14 The State responded by filing an appellee memorandum. The State initially noted two of defendant’s notice-of-appeal arguments were irrelevant to her appeal. The State emphasized defendant’s pretrial detention was revoked under section 110-6(a) (725 ILCS 5/110-6(a) (West 2022)) and, thus, only that standard applies. The two arguments directed to petitions to deny pretrial release, defendant’s first and second grounds on her notice of appeal, do not apply here.

¶ 15 We agree with the State’s argument regarding defendant’s first and second grounds for relief. Those apply to petitions to deny pretrial release under section 110-6.1 (*id.* § 110-6.1), which was not filed here. We need not consider those arguments.

¶ 16 We turn to the third ground for relief: the trial court erred in finding no condition or combination of conditions would reasonably ensure defendant’s appearance for later hearings or prevent her from being charged with a subsequent felony or Class A misdemeanor.

¶ 17 Section 110-6(a) (*id.* § 110-6(a)) authorizes the revocation of pretrial release granted under the Act “only if the defendant is charged with a felony or Class A misdemeanor that is alleged to have occurred during the defendant’s pretrial release after a hearing on the trial court’s own motion or upon the filing of a verified petition by the State.” The State bears the burden of proving by clear and convincing evidence “no condition or combination of conditions of release would reasonably ensure the appearance of the defendant for later hearings or prevent the defendant from being charged with a subsequent felony or Class A misdemeanor.” *Id.* We review trial-court decisions regarding pretrial release for an abuse of discretion. See *People v. Jones*, 2023 IL App (4th) 230837, ¶ 30. An abuse of discretion will be found when a decision is arbitrary, fanciful, or unreasonable or when the decision is one with which no reasonable person would agree. *People v. Inman*, 2023 IL App (4th) 230864, ¶ 10.

¶ 18 In this case, defendant has not shown the trial court abused its discretion in revoking her pretrial release. See *Insurance Benefit Group, Inc. v. Guarantee Trust Life Insurance Co.*, 2017 IL App (1st) 162808, ¶ 44 (stating the appellant bears the burden of proving trial-court error). The basis for the State’s petition to revoke was the charge in case No. 23-CF-2315, for which the offense, a felony, was committed while defendant was on pretrial release. The State presented ample evidence proving no condition or combination of conditions of release

would reasonably ensure defendant's appearance at later hearings or prevent her from being charged with a subsequent felony or Class A misdemeanor. Given defendant's criminal history and history of missed appearances, it was not unreasonable, arbitrary, or fanciful for the trial court to agree with the State. Defendant's argument in her notice of appeal that her options for treatment had not yet been exhausted as a condition for pretrial release is unconvincing. Given the history summarized above, which includes an unsuccessful discharge from drug court, the trial court reasonably concluded the treatment opportunities afforded to defendant would not reasonably ensure she would not commit other offenses or would appear in court.

¶ 19

III. CONCLUSION

¶ 20

We affirm the trial court's judgment.

¶ 21

Affirmed.