

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
Plaintiff-Appellee,)	Cook County.
)	
v.)	No. 23CR0534201
)	
)	
ANATHI DAVIS-PEAL,)	Honorable
)	Adrienne Davis,
Defendant-Appellant.)	Judge Presiding

PRESIDING JUSTICE TAILOR delivered the judgment of the court.
Justices Hyman and Walker concurred in the judgment.

ORDER

- ¶ 1 *Held:* The circuit court did not abuse its discretion in ordering defendant's continued pre-trial detention.
- ¶ 2 Defendant Anathi Davis-Peal Jr. is charged with first degree murder. He appeals from the circuit court's order that continued his pretrial detention pursuant to section 110-6.1 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/110-6.1 (West 2022)). For the following reasons, we affirm the judgment of the trial court.

¶ 3 **BACKGROUND**

¶ 4 On March 21, 2023, Davis-Peal was charged with first-degree murder. An arrest warrant was issued on the same date, and he was arrested on April 13, 2023. Upon further investigation, the arresting officers discovered an additional active warrant for Davis-Peal for retail theft in case 23-110447501.

¶ 5 On April 13, 2023, following a bond hearing, the circuit court ordered Davis-Peal's previous \$500 D bond on the retail theft case to stand and denied bond on the first-degree murder charge. Subsequently, on May 11, 2023, Davis-Peal was charged by indictment with first-degree murder.

¶ 6 On December 18, 2023, after section 110-6.1 of the Code (725 ILCS 5/110-6.1 (West 2022)), went into effect, Davis-Peal filed a petition for pretrial release. The State responded by filing a verified petition for pretrial detention under section 110-6.1 of the Code (725 ILCS 5/110-6.1 (West 2022)), alleging that Davis-Peal committed a detainable offense and posed a real and present threat to the community. The State specifically alleged that Davis-Peal discharged a firearm, striking the victim in the head and killing him, and then fled the scene. At the hearing on the same day, defense counsel presented argument in mitigation, stating that Davis-Peal was 24-years-old, was a graduate of Perspectives Charter High School, had attended some college, and was on the basketball team at that time. He was a lifelong resident of Cook County, had family present in court, and contributed financially to his family. Counsel emphasized that aside from a misdemeanor retail theft case, Davis-Peal had no other interactions with the criminal justice system, no prior convictions, and no juvenile history. Defense counsel further stated that Davis-Peal had no history of violence or mental health issues at the time of arrest. Defense counsel proposed house arrest to facilitate Davis-Peal's compliance with prescribed medications, arguing that restrictive conditions could ensure public safety.

¶ 7 In response, the State acknowledged Davis-Peal's lack of prior convictions but emphasized the violent nature of the case. According to the State, Davis-Peal emerged from a bedroom and fired a single shot, killing the victim instantly, and immediately fled. Two minor witnesses positively identified Davis-Peal in photo arrays and the police recovered a .45 caliber shell casing from the scene matching the firearm allegedly used by Davis-Peal. Defense counsel disputed the claim that Davis-Peal fled the scene and further argued that Davis-Peal was unaware law enforcement was looking for him in the months following the shooting. Counsel highlighted the absence of physical evidence, such as video footage or a weapon, and questioned the credibility of the two minor witnesses.

¶ 8 The court ordered Davis-Peal detained. It found that the State showed by clear and convincing evidence that the proof was evident and the presumption was great that Davis-Peal committed an eligible offense of first-degree murder, and that Davis-Peal posed a real and present threat to the safety of a person or person, or the community based on the specific articulable facts of the case. The court further found that no condition or combination of conditions set forth in the statute could mitigate the real and present threat to the safety of any person or persons based on the specific articulable facts of the case.

¶ 9 On April 23, 2024, Davis-Peal filed a second motion for pretrial release. The circuit court held a hearing where defense counsel reiterated the mitigating factors, emphasizing Davis-Peal's strong ties to the community, employment, and lack of violent history. Counsel again proposed house arrest as a suitable alternative to detention and told the court that Davis-Peal was not a flight risk because his family lives in Illinois. Counsel also reiterated other arguments he made at the initial detention hearing, including that Davis-Peal was not arrested at the scene and that he was not charged with first degree murder until months later. He argued that "we do not

believe that the evidence is great that he committed this offense, that he is a threat to society or to any specific person or that there is not least restrictive means based on all three of those.”

¶ 10 The State maintained that Davis-Peal posed an ongoing threat to the community and noted that he had access to the victim’s home. The State argued that electronic home monitoring would not mitigate the threat and recalled the facts of the case: Davis-Peal was at the victim’s home, acting as a chaperone to two minor children, age 11 and 12. The State argued that this was an unprovoked murder and that the 24-year-old victim was “basically talking to his girlfriend at the time, joking around when this defendant walked up and fired one round into the victim’s head causing his death.” Defense counsel responded that Davis-Peal was not present in the home and that the “evidence is not great and the proof is not certain that [Davis-Peal] committed this crime.”

¶ 11 The circuit court ruled that it “continues to find that the State has shown by clear and convincing evidence that the proof is evident, and the presumption is great that the defendant committed an eligible offense of first degree murder. That the defendant poses a real and present threat to the safety of any person or persons.” The court further stated that, based on proffer that Davis-Peal was identified as the shooter by the 11- and 12- year-old children in the home, “no condition or combination of conditions set forth can mitigate the real and present threat to the safety of any person or persons based on the specific articulable facts of the case.” The court specifically found that electronic home monitoring would not prevent Davis-Peal from obtaining a weapon, stating that this “event occurred in . . . a home where the defendant was trusted” and in the presence of minors.

¶ 12 On May 3, 2024, Davis-Peal filed a notice of appeal under Illinois Supreme Court Rule

604(h), but on July 9, 2024, his appeal was dismissed as premature. On July 17, 2024, he filed a motion for relief in the circuit court, asserting that the State had not meet its burden of proving: (1) he committed first degree murder because “the facts as proffered by the State indicate that this matter is not likely to return a guilty beyond reasonable doubt verdict;” (2) he posed a real and present threat to the safety of a person or persons in the community based on the specific articulable facts of the case; and (3) “that any condition of release is necessary.” A hearing was scheduled, but in the meantime, on August 13, 2024, the court found Davis-Peal unfit to stand trial and committed him to the Department of Health and Human Services. On September 26, 2024, the matter was continued for a hearing on Davis-Peal’s motion for relief.

¶ 13 On October 9, 2024, Davis-Peal, through private counsel, filed a “Due Process Motion For Ruling on Motion for Relief.” During the hearing on the motion, defense counsel argued that Davis-Peal should be given an opportunity for pretrial release, noting his lack of felony convictions. The circuit court denied the motion, indicating that it detained Davis-Peal because it “previously found that there were no conditions that would keep the community safe.” As for continued detention, the court ruled that based on the facts of the case “detention remains appropriate and is the only means to keep the community safe, and that electronic monitoring would not be an appropriate solution, particularly since the allegation is that that this crime occurred in a home.” Furthermore, the court found that “the defendant has neglected to even acknowledge that he—that he as this point is subject to inpatient treatment, which is the most appropriate treatment.”

¶ 14 On October 31, 2024, Davis-Peal filed a Rule 604(h) notice of appeal, asserting that his arguments presented during the hearings on December 18, 2023, April 23, 2024, and October 9, 2024, sufficiently communicated his contentions of error.

¶ 15

ANALYSIS

¶ 16 Davis-Peal did not file a memorandum with this court, choosing instead to stand on the arguments he made in his October 9, 2024, motion for relief. See Ill. S. Ct. R. 604(h)(7) (eff. Apr. 15, 2024) (establishing that the motion for relief will serve as the appellant’s argument on appeal, and allowing, but not requiring, the appellant to file an additional memorandum in support). Therefore, on appeal, we limit our analysis to the arguments made in his October 9, 2024, motion.

¶ 17 Davis-Peal argues that the court should not have ordered him detained following the April 23, 2024, hearing on his second motion for pretrial release because the State: (1) failed to prove by clear and convincing evidence that he committed first degree murder where “the facts proffered by the State indicate that this matter is not likely to return a guilty beyond a reasonable doubt verdict;” (2) did not prove by clear and convincing evidence that he posed a real and present safety threat, based on the specific articulable facts of the case, where he had no prior felony convictions and no propensity for violent behavior; and (3) failed to prove by clear and convincing evidence “that any condition of release is necessary.”

¶ 18 The State filed a responsive memorandum with this court arguing that the circuit court needed only to consider whether Davis-Peal’s continued detention was necessary as Davis-Peal was first ordered detained on December 18, 2023. Citing *People v. Casey*, 2024 IL App (3d) 230568, ¶ 13 (“Although this determination necessarily entails consideration of the threat or flight risk posed by a defendant and the potential mitigation [of] such threat or flight risk by conditions of release, the Code does not require the court to again make findings that the State proved the three propositions by clear and convincing evidence as required at the initial hearing”), the State argues that the only question before this court now is whether the circuit court erred in finding that continued detention was necessary. On that issue, the State argued that the circuit court properly

determined that Davis-Peal should remain detained pending trial.

¶ 19 Under the Code, a defendant’s pretrial release may be denied only for certain charged offenses. 725 ILCS 5/110-6.1, 110-2(a) (West 2022). All defendants are eligible for—and we presume all defendants are entitled to—pretrial release. *Id.* §§ 110-2(a), 110-6.1(e). At any detention hearing, the State and defendant may present evidence “by way of proffer based upon reliable information.” *Id.* § 110-6.1(f)(2).

¶ 20 To deny a defendant pretrial release, the trial court must find the State proved by clear and convincing evidence that (1) the proof was evident or the presumption great that defendant committed a detainable offense (*id.* § 110-6.1(e)(1)), (2) defendant’s pretrial release posed a real and present threat to the safety of any person or persons, or the community based on the specific and articulable facts of the case (*id.* § 110-6.1(e)(2)), and (3) no condition or combination of conditions could mitigate the real and present threat to the safety of any person or the community or prevent the defendant’s willful flight from prosecution (*id.* §§ 110-2(b), (c), 110-6.1(e)(3), (f)).

¶ 21 Where a defendant has previously been ordered detained, the “statute also imposes a continuing obligation for the court to assess whether continued detention is necessary.” *People v. Hongo*, 2024 IL App (1st) 232482, ¶ 21. In cases such as this one, the proper question is whether 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 2022). In determining whether continued detention is appropriate, “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.” *Casey*, 2024 IL App (3d) 230568, ¶ 13. Instead, as required by section 110-6.1(i-5), the finding at a continued detention hearing is “a less demanding standard

than what is required at the detention hearing, though both are concerned with fundamentally the same question.” *People v. Thomas*, 2024 IL App (1st) 240479, ¶ 14. Where a trial court finds “that the State presented clear and convincing evidence on all three elements required by section 110-6.1(e), that finding necessarily encompass[es] the continued detention finding required by section 110-6.1(i-5).” *Id.*

¶ 22 Our supreme court recently ruled that *de novo* is the appropriate standard of review to be employed when the parties to a pretrial detention hearing proceed solely by proffer, as occurred in this case. *People v. Morgan*, 2025 IL 130626, ¶56. However, *Morgan* involved an initial petition for detention, not a determination of whether continued detention was appropriate. This court has previously held that we review the circuit court’s determination on continued detention for abuse of discretion. *Id.* ¶ 16; *Casey*, 2024 IL App (3d) 230568, ¶¶ 11-13; *People v. Walton*, 2024 IL App (4th) 240541, ¶ 40. A trial court abuses its discretion only when (1) its decision is arbitrary, fanciful, or unreasonable, or (2) no reasonable person would take the view adopted by the court. *People v. Towns*, 2020 IL App (1st) 171145, ¶ 44. We need not decide whether, in light of *Morgan*, the *de novo* standard applies because even under that standard the circuit court’s decision to continue to detain Davis-Peal was not erroneous.

¶ 23 As Davis-Peal was previously ordered detained, we need only consider whether the circuit court abused its discretion in finding that continued detention was necessary to “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 2022).

¶ 24 We find that Davis-Peal’s continued detention was necessary to “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.” *Id.* The evidence proffered by the State showed that Davis-Peal was in the home of the victim, and the victim’s girlfriend and her two minor children. The victim’s girlfriend’s children had invited Davis-Peal’s girlfriend’s 12-year-old sister over, and Davis-Peal was acting as the chaperone for his girlfriend’s sister. The victim and his girlfriend were talking and joking around when Davis-Peal emerged from a bedroom and fired a single shot into the victim’s head at close range causing his death. Two children, ages 11 and 12, witnessed the shooting and positively identified Davis-Peal in a photo array and by his initials “AP” as the shooter. Davis-Peal immediately fled the scene and secreted himself from law enforcement who later obtained an arrest warrant to secure his arrest. The court specifically found that electronic home monitoring would not prevent Davis-Peal from obtaining a weapon and made note of Davis-Peal’s violent nature in that this “event occurred in . . . a home where the defendant was trusted” in the presence of minors. Our conclusion that continued detention was necessary is further supported by the fact that Davis-Peal was found to be unfit for trial and at the time of the ruling on his motion for relief, he was being detained and undergoing inpatient psychiatric treatment, as the circuit court expressly noted. We cannot say that the trial court erred in ordering Davis-Peal’s continued detention.

¶ 25 For the foregoing reasons, we affirm the circuit court’s order continuing Davis-Peal’s pretrial detention.

¶ 26 Affirmed.