

2025 IL App (2d) 250029-U
No. 2-25-0029
Order filed April 21, 2025

NOTICE: This order was filed under Supreme Court Rule 23(b) and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

THE PEOPLE OF THE STATE)	Appeal from the Circuit Court
OF ILLINOIS,)	of Kane County.
)	
Plaintiff-Appellee,)	
)	
v.)	No. 24-CF-2470
)	
NINO V. ANDERSON,)	Honorable
)	John A. Barsanti,
Defendant-Appellant.)	Judge, Presiding.

PRESIDING JUSTICE KENNEDY delivered the judgment of the court.
Justices Schostok and Birkett concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court did not err in denying defendant pretrial release where the State proved by clear and convincing evidence that defendant posed a real and present threat to the safety of the victim and that no conditions could mitigate that threat where defendant strangled the victim, threatened to kill her, and attacked her with two knives, causing severe injury to her hands. Affirmed.

¶ 2 Defendant, Nino V. Anderson, appeals from the denial of his pretrial release under 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.

¶ 3 I. BACKGROUND

¶ 4 Defendant was charged via complaint on November 16, 2024, with one count of attempt first degree murder (720 ILCS 5/8-4(a), 9-1(a)(1) (West 2022)), one count of armed violence (*id.* § 33A-2)(a)), one count of aggravated domestic battery (*id.* § 12-3.3(a-5)), two counts of aggravated battery (*id.* §§ 12-3.05(a)(1), (f)(1)), and two counts of domestic battery (*id.* §§ 12-3.2(a)(1), (2)) arising out of an incident which occurred on November 15, 2024.

¶ 5 On November 16, 2024, the State filed a verified petition to deny pretrial release pursuant to section 110-6.1 of the Code. A hearing was held on the State's petition on November 17, 2024.

¶ 6 At the hearing, the State presented a police synopsis, which stated as follows. On November 15, 2024, police responded to a call that a person with a weapon was at an apartment in Aurora. At the scene, police spoke with D.J. who was actively bleeding from both of her hands, which were wrapped in makeshift bandages. D.J. stated that she had lived with defendant for approximately two years. They had previously been romantically involved but were no longer so as of 2021. According to D.J., the previous day she and defendant had argued, and defendant strangled her to the point where she was unable to breathe. Police observed "scratch marks and apparent markings on the side of her neck."

¶ 7 D.J. decided she wanted defendant to move out following the strangulation incident and spoke with the building's maintenance worker about it. Defendant learned that D.J. had spoken with the maintenance worker and became upset. D.J. then called 911. When defendant discovered this, he stated he was going to kill D.J., grabbed a knife from the kitchen, and cut her left hand. Defendant then attempted to stab D.J.'s leg but was unsuccessful. The knife defendant was using broke, and defendant then used a "tool/curved blade" to cut D.J.'s right hand. D.J. wedged a chair between herself and defendant and escaped the apartment. She went into another apartment unit and called the police. D.J. was taken to the hospital for the injuries to her hands.

¶ 8 When police entered the apartment, they observed blood throughout the living room, four knives, and the “tips” of D.J.’s fingers.

¶ 9 Defendant gave a custodial interview in which he stated that D.J. had stabbed him in the leg while under the influence of narcotics. Defendant took away the knife and broke it in two. He then retreated to his bedroom. He denied physically touching or harming D.J. Defendant stated that he did not know how D.J. obtained her injuries or how the blood in the apartment got there.

¶ 10 Surveillance footage from the apartment building showed D.J. leaving her apartment and actively bleeding from her hands. She then entered another apartment and exited sometime later with bandages on her hands. She then left the apartment and sat outside on a bench until police arrived.

¶ 11 Additionally, the State proffered that, according to a Kane County Domestic Violence Supplemental Report, defendant had previously hit, slapped, or kicked the victim, strangled her, and threatened to kill her.

¶ 12 Defense counsel proffered that on the day of the incident, D.J. was doing drugs and got angry with defendant because he was seeing his ex-wife. She then grabbed a knife and stabbed defendant in the leg. They struggled over the knife, and defendant maintains that, although he did not see it at the time, that must have been when D.J. sustained the injuries to her hands.

¶ 13 Defendant further proffered that if released he had another place to stay and would not return to the apartment with D.J.

¶ 14 The trial court granted the State’s petition to deny pretrial release. On November 21, 2024, defendant filed a motion for relief, which was denied on January 15, 2024. Defendant timely appealed.

¶ 15

II. ANALYSIS

¶ 16 This appeal involves only the review of documentary evidence and proffer, with no live testimony. We therefore review the denial of defendant's pretrial release *de novo*. *People v. Morgan*, 2025 IL 130626, ¶ 22.

¶ 17 All defendants shall be presumed eligible for pretrial release, and the State shall bear the burden of proving otherwise by clear and convincing evidence. 725 ILCS 5/110-6.1(e) (West 2022). To deny a defendant pretrial release, the State must show (1) that the proof is evident or the presumption great that the defendant has committed an eligible offense, and (2) the defendant poses a real and present threat to the safety of any person or persons or the community, which (3) no condition or combination of conditions can mitigate. *Id.* The trial court's finding that no combination of conditions can mitigate the threat posed by a defendant must be based on the specific articulable facts of the case. *Id.* § 110-6.1(e)(3).

¶ 18 On appeal, defendant argues that the State failed to show by clear and convincing evidence that he posed a real and present threat to the safety of the victim because the State relied only on the factual allegations of the present case and not any other evidence, citing *People v. Stock*, 2023 IL App (1st) 231753, ¶18. This is not what the *Stock* court held. *Stock* stands for the proposition that the base allegations that make up the *sine qua non* of the offense are alone insufficient to support a finding of dangerousness. There is no requirement that a finding of dangerousness must be based on evidence beyond that relating to the charged conduct.

¶ 19 With that in mind, the State presented sufficient evidence establishing that defendant posed a real and present threat to the safety of the victim in this case. According to the statements D.J. made to the police, defendant had choked her, and then the next day when she confronted him about moving out, he attacked her with multiple knives causing severe injury to her hands leaving her "finger tips" in the apartment's living room. The State also proffered that there had been

previous instances of domestic violence between defendant and D.J.

¶ 20 Defendant's proffer that D.J. attacked him because she was on narcotics is inconsistent with nature of the injuries to her and defendant. See *e.g.*, *People v. Williams*, 2020 IL App (1st) 162512, ¶ 37 (detectives believed injuries to stabbing victim's hands were defensive injuries). Likewise, there was no indication by the investigating officers that the victim was showing signs of being under the influence of drugs. Further, defendant's failure to call the police or seek medical aid for his injuries is inconsistent with his claim that he acted in self-defense.

¶ 21 Accordingly, we agree with the trial court that the State presented clear and convincing evidence that defendant posed a real and present threat to the victim, D.J.

¶ 22 Regarding whether conditions exist which could mitigate the threat posed by defendant, he argues that there is nothing in the record to indicate that he would not comply with conditions of pretrial release and that the trial court's finding was based on "sweeping generalizations" rather than individualized findings. We disagree.

¶ 23 In determining whether conditions can mitigate the threat posed by a defendant, the court must consider the nature and circumstances of the charged offense. 725 ILCS 5/110-5(a)(1) (West 2022). The conditions to be imposed must be weighed against the significance of the threat a defendant poses to the safety of individuals or the community. *Id.* § (a)(4). In the instant case, defendant strangled the victim, threatened to kill her, attacked her with a knife, and when that broke attacked her with another knife, causing severe injury to her hands. Given these circumstances, defendant clearly poses a significant threat of great bodily injury or death to the victim. Measured against this sustained and violent attack, combined with prior incidents of violence, conditions such as GPS or electronic home monitoring cannot sufficiently mitigate the threat defendant poses to the victim.

¶ 24 Accordingly, the State presented clear and convincing evidence that no conditions could mitigate threat defendant poses to the safety of D.J.

¶ 25 III. Conclusion

¶ 26 For the reasons stated, we affirm the judgment of the circuit court of Kane County.

¶ 27 Affirmed.