

Corrected

2025 IL App (1st) 251390-U
No. 1-25-1390B

SIXTH DIVISION
November 7, 2025

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. 2025 CR 0348901 |
| |) | |
| SEAN AHERN, |) | |
| |) | Honorable |
| Defendant-Appellant. |) | Michael Pattarozzi and |
| |) | Mary Margaret Brosnahan, |
| |) | Judges presiding. |

JUSTICE PUCINSKI delivered the judgment of the court.
Presiding Justice Walker and Justice Gamrath concurred in the judgment.

ORDER

- ¶ 1 *Held:* We affirm the denial of defendant's motion for relief from continued pretrial detention under the Pretrial Fairness Act.
- ¶ 2 Defendant-appellant Sean Ahern appeals from the circuit court's denial of his July 2025 motion for relief under the Pretrial Fairness Act (725 ILCS 5/110-1 *et seq.* (West 2024)) seeking release from pretrial detention, which in turn asserted that the trial court erred in denying his prior April 2025 motion for pretrial release. For the following reasons, we affirm.

¶ 3 BACKGROUND

¶ 4 On March 1, 2025, defendant was charged with attempted murder and aggravated battery in connection with the shooting of Ronald Washington. The shooting occurred nearly one year earlier, on March 17, 2024.

¶ 5 Initial Pretrial Detention Order

¶ 6 On March 6, 2025, the State filed a petition for pretrial detention, which alleged that defendant “discharged a firearm at the victim [Washington] multiple times, striking the victim about the body causing the victim to require multiple surgeries.”

¶ 7 On that date, a hearing was conducted before Hon. Anthony Calabrese. The court noted its receipt of a Public Safety Assessment indicating that defendant was a 3 out of 6 on a scale for likelihood of new criminal activity, and a 2 out of 6 on a failure to appear scale.

¶ 8 The State proceeded to proffer that defendant and Washington had been friends for approximately 15 years. On the date of the shooting, they had a verbal altercation in an apartment. Defendant “slammed [Washington] into a wall and threatened [Washington],” after which defendant was asked to leave by Washington and other occupants of the apartment. Defendant was observed retrieving a backpack as he left.

¶ 9 The State further proffered that Washington was behind the defendant as they walked from the front of the building into an alley. Defendant turned and discharged a firearm at Washington multiple times before fleeing. Washington was struck in the chest, puncturing his left lung. He was also struck in the right upper thigh, and right hand. Washington underwent multiple surgeries and still had a bullet lodged his body at the time of the hearing.

¶ 10 Police recovered three shell casings from the alley. Several months later, Washington positively identified the defendant in a photo array.

¶ 11 Regarding criminal background, the State proffered that defendant had four concurrent burglary convictions from 2020 for which he served three years in the Illinois Department of Corrections (IDOC), as well as a 2017 possession of methamphetamine conviction for which he also received three years in IDOC.

¶ 12 Defense counsel suggested the State did not meet its statutory burden with respect to proof that defendant committed the offense, noting the lack of physical evidence tying defendant to the scene and the lack of eyewitnesses to the shooting. Defense counsel also argued that Washington's account lacked credibility, especially as "[t]here was no outcry for a year." Defense counsel asserted that Washington was "currently facing [charges of] delivery of methamphetamine [and] delivery of cannabis," and that Washington had prior convictions for battery and possession of a controlled substance which undermined his credibility.

¶ 13 The trial court asked the State to explain why "we only now have the defendant in custody almost a year later" after the alleged March 2024 incident. The State responded that defendant was placed in custody on February 27, 2025, after he was identified in a photo array. When the court asked if any witnesses saw defendant with a gun or saw defendant with Washington in the alley, the State responded that a witness "heard gunshots" but did not see the shooting.

¶ 14 Later in the hearing, the State added that body camera footage from responding police officers recorded Washington saying "Sean, you f***ing bitch, dude, what the f***."

¶ 15 The court proceeded to find that the State had met its burden to show that pretrial detention was warranted. It noted the State's proffer that there were multiple witnesses "that the victim is slammed into the wall by defendant" before defendant left with a backpack, and that a witness heard gunshots shortly thereafter. The court also commented that Washington's recorded statement appeared to be an "excited utterance nam[ing] the person who shot him"

and was “strong evidence.” The court also noted that Washington’s injuries were “extraordinary” and that it took into account defendant’s prior convictions for burglary and methamphetamine possession.

¶ 16 Although it granted the State’s petition, the court remarked it was “curious” as to why it had taken so long for defendant to be charged. The court told defense counsel that it would have “an opportunity to revisit” the grounds for detention. Accordingly, on March 6, 2025, the court entered an order granting the State’s petition for pretrial detention.

¶ 17 Defendant’s April 2025 Motion for Pretrial Release

¶ 18 On April 23, 2025, defendant filed a motion for pretrial release pursuant to the Pretrial Fairness Act. In it, he averred that he does not present a flight risk, noting that he could stay with his girlfriend and mother in Chicago while on electronic monitoring. He also noted that he had medical issues include “a tendon issue in his left ankle, and pain in his shoulder and vertebrae.” Defendant averred that detention was not needed to ensure his appearance in court or to ensure that he did not commit any criminal offense. The motion noted that the shooting incident occurred in March 2024 but that Washington “did not make an identification of who shot him until he was arrested earlier this year for methamphetamine-related charges.”

¶ 19 On April 30, 2025, the court (Hon. Michael Pattarozzi) conducted a hearing on defendant’s motion for pretrial release.

¶ 20 In support of the motion, defense counsel argued he was not a flight risk as his “support system” was in Chicago. Urging the State had not met its burden as to proof that defendant committed the charged offenses, defense counsel emphasized that defendant was not charged until nearly a year after the shooting. Defense counsel stated that Washington did not make an identification of defendant until Washington was arrested for methamphetamine-related

charges.¹ Defense counsel noted that the “original case incident report” reflected that police interviewed Washington and two other witnesses shortly after the shooting, but there was no mention of defendant.

¶ 21 In opposing defendant’s motion, the State informed the court of significant additional facts regarding defendant’s criminal history that had not been mentioned at the initial detention hearing. First, the State told the court of the “pretty important fact” that at the time of the March 2024 shooting, defendant had a pending felony case for class 3 possession of methamphetamine. The State also told the court that at the initial detention hearing, the State’s Attorney “missed the fact that in 2022, defendant had a pending unlawful use of a weapon by a felon case” stemming from “a firearm being recovered about the defendant’s person as the defendant was suffering from a drug overdose.” That firearm case was resolved after defendant pleaded guilty to a misdemeanor offense.

¶ 22 In addition, the State told the court that, apart from the 2017 methamphetamine possession case and the four 2020 burglary convictions, defendant was charged with two additional burglary cases in 2018. According to the State, those two burglary cases were dismissed by “mental health court” after defendant underwent mental health treatment.

¶ 23 The State proceeded to argue that defendant “was not allowed to even possess a firearm, let alone use a firearm” as of March 2024 and that he showed he was dangerous to the community by “shooting someone in a disagreement” on March 17, 2024. The State argued that electronic monitoring was insufficient and that defendant’s record showed that he cannot be trusted to obey court orders.

¹ The State does not deny this, but the available record does not independently corroborate what charges Washington faced at the time he implicated defendant in the March 2024 shooting.

¶ 24 In response to questions from the court, the State clarified that in 2022 defendant was charged with unlawful use of weapon by a felon. That case was resolved on November 20, 2023, when he pleaded guilty to a misdemeanor for a 180-day sentence, which “effectively turned into time served.” Seven days later, November 27, 2023, he was charged with possession of methamphetamine.

¶ 25 At the conclusion of argument and after reviewing the initial detention hearing transcript, the court denied defendant’s motion. In finding the State had shown the proof is evident and presumption great that defendant committed the charged offenses, it noted there was “no proffer or anything that would not place [defendant] on the scene of that offense” in March 2024. It also noted the recorded statement shortly after the shooting in which Washington referred to “Sean.” The court acknowledged Washington had prior convictions and a pending methamphetamine charge, but it found nothing to support an inference that he “came forward [against defendant] to get some sort of deal.”

¶ 26 The court also found defendant presented a real and present danger “based on the specific articulable facts on the record.” It found that electronic monitoring would not be appropriate because his criminal history showed that he was not deterred. It noted that he had burglary charges dismissed in 2018 but that he continued to violate the law, citing his 2020 burglary convictions. The court also noted defendant’s 2022 misdemeanor conviction (after pleading guilty to a reduced charge) and that shortly after his release from the corresponding sentence in November 2023, he was arrested for a methamphetamine charge. Based on this history, the court lacked “any confidence” that defendant would comply with conditions short of pretrial detention.

¶ 27 Defendant’s July 2025 Motion for Relief

¶ 28 On July 7, 2025, defendant filed a “Motion for Relief Under the Pretrial Fairness Act” (motion for relief) seeking review of the April 30, 2025 decision. In it, he argued the State failed to show “by clear and convincing evidence that the proof is evident or the presumption great” that he committed the charged offenses, or that he posed a real and present threat to the safety of any person or the community.

¶ 29 With respect to the proof of guilt, the motion noted that Washington did not identify defendant until after Washington’s arrest, approximately 10 months after the shooting. Defendant argued Washington was “impeachable” due to a 2021 conviction for manufacture/delivery of methamphetamine and that Washington was currently in the Cook County Department of Corrections “for two manufacture/delivery of meth charges, and an escape charge.” The motion also noted that there were two witnesses to a physical altercation before the shooting, but they told police they did not know who shot Washington. Defendant also noted the lack of fingerprint or DNA evidence tying him to the shell casings at the scene.

¶ 30 Defendant’s motion for relief also claimed that the trial court “improperly shifted the burden of proof” at the April 30 hearing, citing its remark there had been “no proffer or anything that would not place [defendant] on the scene” of the March 17, 2024 shooting. In disputing that the State met its burden to show that he presented a “real and present threat,” defendant’s motion noted that he “did not pick up any new criminal cases” from the time of the alleged incident until his arrest in March 2025. The motion for relief also argued the court erred in determining that “no condition or combination of conditions would reasonably ensure” his appearance at later hearing or prevent him from being charged with a subsequent offense. He also claimed he was “denied an opportunity for a fair hearing prior to the entry of the order” denying pretrial release.

¶ 31 On July 10, 2025, a different judge (Hon. Mary Margaret Brosnahan) heard argument on the motion for relief. The court marked as exhibits the transcripts from the March 6, 2025 and April 30, 2025 hearings. Upon questioning from the court as to “why the arrest was delayed,” the State indicated it had no new information to explain the time gap between the shooting and defendant’s arrest.

¶ 32 Defense counsel proceeded to argue that the State failed to meet its burden as to proof that defendant committed the charged offense, emphasizing the delay in Washington’s identification to police. The court asked the parties’ counsel if they could clarify whether any identification was made on the date of the shooting, or if Washington made any identification while hospitalized for his injuries. The State responded that a report produced in discovery indicated that responding officers spoke to two persons, but neither indicated that they saw the shooter.² The State had no information as to whether Washington spoke to police at the hospital.

¶ 33 Defense counsel emphasized that no witness other than Washington identified defendant as the shooter. Defense counsel again argued that Washington was “impeachable” by his 2021 conviction, that there was no physical evidence linking him to the scene, and that, at the prior April 30 hearing, the trial court “improperly shifted the burden of proof to the defense.” Defense counsel argued defendant was not a flight risk and that he had not been arrested for anything after the March 2024 shooting, such that he should be released under a “24-7 curfew” pending trial.

² The referenced report is not in the record on appeal.

¶ 34 The court remarked this was an “unusual case” and there were “significant questions” as to the delay between the incident and defendant being charged. Nevertheless, the court still found that the State had met its burden of proof for pretrial detention. Notably, although this was a continued detention hearing, the court remarked that the State met its burden of proof to obtain an initial detention order, commenting:

“The proof that we’re dealing with now is the State has to show by clear and convincing evidence the proof is evident and the presumption great that an eligible offense was committed, that it was committed by [defendant], and that there is no condition or combination of conditions set forth in the statute that can mitigate the risk.”

In finding the State met this burden, the court found it “pivotal” that Washington made an excited utterance that named defendant.

¶ 35 In denying pretrial release, the court further explained:

“[W]hile I don’t have to make the finding I will. I find that the State has met that burden of proof in the statute, that the defendant does pose a real and present threat to the safety of that particular individual or others of the community and there is no condition of release that can mitigate that.”³

³ The court’s comment that “I don’t have to make the finding” apparently referred to the fact that the statutory provision defining the inquiry for whether continued detention is warranted (725 ILCS 5/110-6.1(i-5) (West 2022)) does not require the court to again make the findings of “clear and convincing” proof required to initially grant a petition for detention. See 725 ILCS 5/110-6.1(e) (West 2022); *People v. Casey*, 2024 IL App (3d) 230568, ¶13 (“the Code does not require the court to again

Thus, the court denied defendant's motion for relief on July 10, 2025.

¶ 36 Defendant filed a notice of appeal pursuant to Supreme Court Rule 604(h), which conferred jurisdiction on this court. See Ill. S. Ct. R. 604(h)(3) (eff. Apr. 15, 2024). Defendant subsequently filed a notice informing this court that the motion for relief adequately communicated his claims of error, and he would not be filing an optional memorandum. See 604(h)(7) (eff. Apr. 15, 2024). The State subsequently filed an appellee's brief.

¶ 37 ANALYSIS

¶ 38 Given the procedural history, we first clarify the precise orders at issue in this appeal. Illinois Supreme Court Rule 604(h) governs appeals from orders granting or denying a petition to deny pretrial release or revoking or refusing to revoke pretrial release. Under Rule 604(h), “[a]s a prerequisite to appeal, the party taking the appeal shall first present to the trial court a written motion requesting the same relief to be sought on appeal and the grounds for relief.” Ill. S. Ct. 604(h)(2) (eff. Apr. 15, 2024).

¶ 39 This appeal follows the denial of defendant's July 2025 motion for relief, in which he specifically asked the trial court to “review its decision entered April 30, 2025” denying defendant's motion for release. Notably, the July 2025 motion for relief did not attack the prior March 2025 initial detention order upon the State's petition. Under Rule 604(h), “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, the propriety of the *initial* March 2025 detention order is not before us. Rather, this appeal concerns the subsequent orders of April 2025 and July 2025 finding that *continued* detention was warranted. As explained

make specific findings that the State proved the three propositions by clear and convincing evidence as required at the initial hearing.”)

below, the governing inquiry to assess the need for continued detention is slightly different from the assessment when the State initially seeks pretrial detention.

¶ 40 Pretrial release is governed by article 110 of the Code of Criminal Procedure of 1963 (Code), as amended by Public Act 101-652 (eff. Jan. 1, 2023), sometimes referred to as the Pretrial Fairness Act (Act). The Act “abolish[ed] traditional monetary bail in favor of pretrial release on personal recognizance or with conditions of release.” *People v. Hongo*, 2024 IL App (1st) 232482, ¶ 20. “Section 110-6.1(e) of the Code presumes that all defendants are eligible for pretrial release and places the burden of justifying pretrial detention by clear and convincing evidence on the State.” *People v. Stock*, 2023 IL (1st) 231753, ¶ 11; 725 ILCS 5/110-6.1(e) (West 2022).

¶ 41 For the State to obtain an initial detention order, the Act requires three showings by “clear and convincing” evidence:

“For qualifying offenses, upon filing a verified petition requesting denial of pretrial release, the State has the burden to prove by clear and convincing evidence (1) that the proof is evident or the presumption great that a defendant has committed a qualifying offense (725 ILCS 5/110-6.1(e)(1) (West 2022)); (2) that the defendant’s pretrial release poses a real and present threat to the safety of any person or persons or the community (725 ILCS 5/110-6.1(a)(1)-(7), (e)(2) (West 2022)) or a likelihood of willful flight to avoid prosecution (725 ILCS 5/110-6.1(a)(8), (e)(3) (West 2022)), and (3) that no condition or combination of conditions can mitigate the real and present threat to the safety of any person or the

community or prevent the defendant's willful flight from prosecution (725 ILCS 5/110-6.1(e)(3) (West 2022))." *Hongo*, 2024 IL App (1st) 232482, ¶ 20.

¶ 42 After the initial pretrial detention hearing, the Act "also imposes a continuing obligation for the court to assess whether continued detention is necessary at subsequent appearances." *Id.*, ¶ 21. Specifically, at each subsequent appearance, the court must find that "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 2024).

¶ 43 Regarding the showing required to justify continued detention compared to that needed for an initial detention order, this court has explained:

" '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 [statute] 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.' " *Hongo*, 2024 IL App (1st) 232482, ¶ 22 (quoting *People v. Casey*, 2024 IL App (3d) 230568, ¶ 13).

Thus, "[w]hile the section 110-6.1(i-5) finding shares commonalities with the State's burden at a detention hearing, it is not identical." *People v. Thomas*, 2024 IL App (1st) 240479, ¶ 14. The "finding required by section 110-6.1(i-5) [for continued detention] is simply a less

demanding standard than what is required at a detention hearing, though both are concerned with fundamentally the same question.” *Id.*

¶ 44 *Thomas* also clarified that where (as here) a trial court refers to the State’s burden of proof required for initial detention in the course of granting a continuing detention order, this is not grounds for reversal. See *id.*, ¶¶ 13-14. This is because “the finding required by section 110-6.1(i-5) of the Code is effectively subsumed by the elements the State must prove at a detention hearing” and, moreover, “a reviewing court may affirm on any basis in the record.” *Id.*

¶ 45 As for the appellate standard of review, our supreme court has held that when the parties proceed by proffer, *de novo* review applies to appeals from initial detention decisions. *People v. Morgan*, 2025 IL 130626, ¶ 54 (“the reviewing court is not bound by the circuit court’s factual findings and may therefore conduct its own independent *de novo* review of the proffered evidence.”) “Some courts have also applied the supreme court’s reasoning to continued detention hearings conducted by proffer, reviewing the circuit court’s decision on continued detention *de novo*.” *People v. Chavez*, 2025 IL App (1st) 251151-U (citing *People v. Brito*, 2025 IL App (1st) 242601-U). At least one other decision of this court has found that despite *Morgan*, the abuse of discretion standard is applicable to continued detention determinations. See *People v. Mansoori*, 2025 IL App (1st) 250481-U.

¶ 46 However, we have no need to decide the appropriate standard of review, as our decision would be the same regardless of the standard applied. That is, the trial court correctly denied the July 2025 motion for relief, as defendant’s challenges to the April 2025 continued detention order were without merit.

¶ 47 We examine the specific contentions in defendant’s July 2025 motion for relief. He argued for pretrial release on the following grounds: (1) the State failed to meet its burden to prove

“by clear and convincing evidence” that the proof was evident or presumption great that he committed the charged offense; (2) the State failed to meet its burden to show by “clear and convincing evidence” that defendant posed a real and present threat to the safety of any person or persons or the community; (3) the trial court erred in determining that “no condition or combination of conditions would reasonably ensure” his appearance for later hearings or prevent him from being charged with subsequent offenses; and (4) he was “denied an opportunity for a fair hearing before” the court denied pretrial release. We find these claims unavailing.

¶ 48 Proof That Defendant Committed the Charged Offenses

¶ 49 Insofar as the motion for relief was directed to a continued detention order, the primary contention—that the State failed to prove “by clear and convincing evidence” that the proof was evident or presumption great that defendant committed the offenses—was without merit.⁴ The statutory provision regarding continued detention, section 110-6.1(i-5), simply “does not require a showing or finding that proof is evident or the presumption great that defendant committed a detainable offense.” *Thomas*, 2024 IL App (1st) 240479, ¶ 14 (citing 725 ILCS 5/110-6.1(i-5) (West 2022)); see also *Hongo*, 2024 IL App (1st) 232482, ¶ 22 (the trial court is not required to “again make specific findings that the State proved the three propositions by clear and convincing evidence as required at the initial hearing.”).

¶ 50 In any event, even assuming *arguendo* that the State had to again show by clear and convincing evidence that the proof was evident or the presumption great that defendant

⁴ We note that there is no dispute that defendant was charged with a detainable offense under the Act. See 725 ILCS 5/110-6.1(a)(1.5) (West 2024) (detainable offenses include aggravated battery resulting in great bodily harm and “any other felony which involves the threat of or infliction of great bodily harm or permanent disability or disfigurement”).

committed a detainable offense, we would find that the State's proffer was sufficient. Besides Washington's identification of defendant to police, the State proffered that two persons witnessed defendant slam Washington against a wall, and one of those witnesses heard gunshots moments later. Significantly, the State proffered that body camera footage from responding officers recorded Washington referring to "Sean," defendant's first name, shortly after the shooting.

¶ 51 We recognize defendant's arguments that Washington's identification of him is less credible because it came several months later, that Washington had a prior methamphetamine conviction, and that Washington himself was apparently facing new charges when he told police defendant was the shooter. Certainly, at an eventual trial, defendant could argue to a jury that such circumstances undermine Washington's identification. Yet, those circumstances do not detract from the significance that others witnessed a physical altercation between the two men just before the shooting and that Washington was recorded referring to "Sean" shortly thereafter.

¶ 52 We also note that we reject defendant's suggestion that the trial court at the April 2025 hearing improperly shifted the burden of proof when it remarked there was "no proffer or anything that would not place [defendant] on the scene" of the March 2024 shooting. It is well-settled that we presume the trial court knows and applies the law, unless the record affirmatively rebuts that presumption. *People v. Battle*, 2023 IL App (1st) 231838, ¶ 30. Here, our review of the hearing transcript shows that the trial court knew and applied the law. Viewed in context of the rest of the hearing, it is clear that this specific remark was not an attempt to place the burden of proof on defendant, but was made in the course of discussing the strength of the State's proffered evidence that defendant was the shooter. The lone remark relied upon

by defendant is certainly not enough to affirmatively rebut the presumption that the trial court knew and applied the law.

¶ 53 For these reasons, we reject defendant’s challenge to his detention based on the strength of evidence that he committed a detainable offense.

¶ 54 The Court Did Not Err in Finding Defendant Posed A Real And Present Threat

¶ 55 We turn to the portion of defendant’s motion for relief that claimed “[t]he State failed to meet its burden of proving by clear and convincing evidence that the defendant 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.” We again point out that, insofar as the motion was directed to a continued detention order, the trial court did not need to make such a finding by “clear and convincing evidence.” Rather, the precise governing inquiry under the Act 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 2024).

¶ 56 Given the State’s proffer, we agree with the trial court’s determination that defendant posed a “real and present threat” that justified continued detention. Defendant has a substantial criminal background, including number of charges for burglary and methamphetamine, as well as a 2022 misdemeanor firearm charge that was reduced from a felony pursuant to a plea deal. The State proffered that the 2022 case stemmed from recovery of a firearm on his person after he overdosed on narcotics. Although defendant’s motion for relief disputed that a firearm was recovered “from his person”; he does not dispute that he was in possession of a firearm. There is also no dispute that, following the 2022 conviction, he was not legally entitled to have a

firearm. Yet, the State proffered that, moments after slamming Washington against a wall, defendant shot him repeatedly, causing severe injuries including a punctured lung. Those facts were more than sufficient to support a finding that “continued detention is necessary to avoid a real and present threat to the safety of any person or persons or the community.” *Id.*

¶ 57 Similarly, we reject the assertions in the motion for relief that the State “failed to meet its burden of proving by clear and convincing evidence that no condition or combination of conditions can mitigate the real and present threat” posed by defendant or ensure his appearance at subsequent hearings. Once again, this claim referenced the State’s burden for obtaining an initial detention order under section 110-6.1(e) of the Code, but the motion for relief was directed to the April 2025 continued detention order, which is governed by section 110-6.1(i-5). Under the governing provision, the 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 2024). As discussed, the trial court found that the facts of this case showed that defendant posed a real and present threat to the safety of others. We agree with that determination.

¶ 58 Finally, we find no merit in the motion for relief’s conclusory assertion that defendant “was denied an opportunity for a fair hearing prior to the entry of the order denying or revoking pretrial release.” “The due process right provided by the Illinois Constitution is the right to a hearing to determine whether pretrial release is proper. *** [T]his decision is issued after the court balances the defendant’s fundamental right to liberty against the necessity of protecting the public.” *People v. Presley*, 2023 IL App (5th) 230970, ¶ 41. Whether a party received a

fair hearing prior the entry of a pretrial detention order is a question of law reviewed *de novo*.
People v. Saucedo, 2024 IL App (1st) 232020, ¶ 56.

¶ 59 Defendant does not articulate any particular way in which he was denied a fair hearing at any point, and we find none. To the contrary, the record shows that the trial court (through three different judges) conducted fair hearings on March 6, 2025, April 30, 2025, and July 10, 2025, in which it examined the State's proffer, asked several clarifying questions of the State's attorney, and gave defense counsel full and fair opportunity to argue against pretrial detention.

¶ 60 CONCLUSION

¶ 61 For the foregoing reasons, we affirm the denial of defendant's July 2025 motion for relief seeking pretrial release.

¶ 62 Affirmed.