THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 604(h)

No. 132403

IN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,	)	On Appeal from the Appellate Court of Illinois, Fourth Judicial District, No. 4-25-0598
Plaintiff-Appellee,	)	
	)	There on Appeal from the Circuit Court of the Ninth Judicial Circuit, Fulton County, Illinois, No. 2023-CF-235
v.	)	
	)	
JESSE POST,	)	The Honorable Thomas B. Ewing, Judge Presiding.
Defendant-Appellant.	)	

BRIEF OF PLAINTIFF-APPELLEE

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POINTS AND AUTHORITIES

NATURE OF THE ACTION

Defendant was charged with three counts of predatory criminal sexual assault of a child, C10-12,[1] and detained pending trial, C57-59. After defendant alleged that a change in circumstances had rendered his detention no longer necessary, the circuit court conducted a hearing pursuant to 725 ILCS 5/110-6.1(i-5) and concluded that defendant's continued detention remained necessary. C84. Defendant appeals from the appellate court's judgment affirming that order. A3-4. No question is raised on the pleadings.

ISSUES PRESENTED FOR REVIEW

1. Whether 725 ILCS 5/110-6.1(i-5) required the circuit court to determine that some new information or change in circumstances warranted releasing defendant from his previously ordered detention.

2. Whether the circuit court's determination that continued detention was necessary under subsection 110-6.1(i-5) is reviewed for abuse of discretion.

3. Whether, under either the abuse-of-discretion or the manifest-weight standard, the circuit court correctly determined that defendant's continued detention was necessary because no new information or change in circumstances warranted changing its prior detention order.

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[1] "C" and "CI" refer to the common law record and impounded common law record on appeal, "R" and "RI" refer to the report of proceedings and impounded report of proceedings, "EI" refers to the impounded exhibits, and "Def. Br." and "A" refer to defendant's opening brief and appendix.

STATEMENT OF JURISDICTION

This Court allowed leave to appeal on November 21, 2025. Jurisdiction thus lies under Supreme Court Rules 315 and 612(b)(2).

STATEMENT OF FACTS

In November 2023, defendant was charged with three counts of predatory criminal sexual assault of a child for touching the genitals of three minor victims: siblings F.W., C.W., and E.W. C10-12. An arrest warrant issued, and defendant was eventually arrested on May 24, 2024. C15, 23. The same day, the People petitioned to detain defendant pending trial. C16.

I. The Circuit Court Finds That Defendant Poses a Danger to the Community and Orders Him Detained Pending Trial.

In May 2024, at defendant's initial detention hearing, the People proffered that in May 2020, the victims' mother reported to police that defendant was having oral sex with her 7- and 5-year-old daughters, F.W. and C.W., and her 4-year-old son, E.W. R6-7. When F.W. and C.W. were interviewed at the child advocacy center, they initially did not disclose any sexual assaults; E.W. was then too young to be interviewed. R7.

A few years later, the People's proffer continued, the children's mother reported that E.W. had started talking about having been sexually assaulted several years earlier, around 2020. R7. F.W. and C.W., who had gone to counseling in the interim, had also begun disclosing that they were sexually assaulted during that same time frame. R7-8.

When the children were again interviewed at the child advocacy center, they gave consistent accounts of defendant's sexual abuse at their father's house, R8, where defendant had lived in 2020, R9-10. All three children reported that defendant would wait until their father went to sleep, then lure them into the kitchen with candy and have oral sex with them. *Id.*

The People proffered that defendant had moved out of the victims' father's house after the father learned of the allegations but now lived near the home where the victims lived with their mother. C8-9, 10-11. The People also noted that defendant had failed to comply with a court order to pay fines and failed to appear in court on a previous case. C9.

Defendant testified and explained that he had "decided to hold off on those [court-ordered] payments so that [he] could save up a lump sum to pay it all off at once." R18. He explained that he had missed his court dates because his fiancée worked, he was a stay-at-home father, and their son had been sick, so he needed to be at home. R18-19. When asked how many children he had, defendant first said that he had five and then said that he had four. R17. He was unemployed but had applied for a job at Walgreens. *Id.* He said that he would come to court when ordered to do so, was willing to wear an ankle monitor, and would not have contact with the victims. R18-19. He initially denied that he lived a few blocks from the victims' home, but when pressed, he admitted that he lived only five blocks away. R19-20; *see* R22.

The circuit court denied pretrial release and ordered defendant detained pending trial. C20. Based on the People's proffer, the court found that the proof was evident and the presumption great that defendant committed the charged detainable offenses. C19; R26. The court further found that defendant posed a real and present threat to the safety of the community and that no condition or combination of conditions could mitigate that threat. C19-20. The court noted that the minor victims are extremely vulnerable. R27. And the court found that defendant was unlikely to comply with the conditions of pretrial release based on his prior noncompliance with court orders. *Id.* As the court explained, defendant's prior failure to make court-ordered payments had been willful rather than negligent, for he had not forgotten to make the required payments but instead consciously decided not to make them, demonstrating that he knew his obligations but decided not to obey the court's order. *Id.*

On appeal, the appellate court vacated the circuit court's order due to the lack of specific findings regarding the inability of pretrial release conditions to mitigate defendant's danger to the community. *People v. Post*, 2024 IL App (4th) 241002-U, ¶ 29.[2] The appellate court remanded for the circuit court to conduct a new detention hearing and make those findings. *Id.* ¶ 31.

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[2] Defendant did not challenge the circuit court's conclusion that he posed a danger to the community. *Post*, 2024 IL App (4th) 241002-U, ¶ 26.

II. The Circuit Court Finds That the Danger Defendant Poses to the Community Cannot Be Mitigated Through Conditions of Release.

On remand, the circuit court held a new detention hearing. The People again proffered facts from the victims' child advocacy center interviews. R20-29. E.W. reported in the interview that every time he was at his father's house, defendant had put E.W. on the kitchen counter, pulled down E.W.'s pants, and put his mouth on E.W.'s penis. RI21-22. Afterwards, defendant would give E.W. candy. RI23. E.W. also reported that his sisters told him that defendant had licked their vaginas. RI21-22.

F.W. reported that defendant had touched her vagina on multiple occasions. RI24-25. C.W. described one occasion when defendant called her into the kitchen while her father was asleep, put her on the kitchen counter on her hands and knees, and licked her butt. RI27. He then had her stand up and licked her vagina. RI28-29. Defendant told her not to tell anyone what he did in the kitchen and that he would give her candy afterwards. RI127. C.W. also reported that defendant exposed himself to the children on several occasions by taking out his penis out and "shaking it around." RI28-29.

B.L., the children's mother, RI31, testified that the children's father had lived with defendant in Canton, Illinois, for about three months in 2020. RI32. After she discovered that defendant had sexually assaulted her children, she and the children moved to Peoria. RI33. Defendant then also moved to Peoria, and in 2022 he moved to a home just two minutes away from hers. RI34. The People introduced a Google Maps exhibit demonstrating that defendant's home was located half a mile from B.L.'s. RI35-36; EI 93. B.L. testified that she was terrified by defendant living so close to her children — she believed he had moved to be closer to them — and would not allow them to play outside unless he was detained. RI45.

The People also presented evidence of defendant's history of committing sexual offenses against other children. B.L. testified that when she told her friends S.R., B.H., M.M., and S.L. that defendant had assaulted her children, those women responded that defendant had assaulted them when they were children. RI36-42. S.R. said that, when she was in seventh grade, she had a close relationship with defendant who rode the bus with her and "some inappropriate acts followed." RI42. B.H. said that when she was 16 and defendant was 20, he attempted to manipulate her into having sex with him and eventually "forced himself on her." RI42-43. And M.M. said that when she was 16 and defendant was 27, he exposed himself to her and sent her photos of his genitals. RI43.

The People also proffered that defendant's daughter, L.G., was interviewed at the child advocacy center about an incident that occurred when she was four or five. RI17-18. L.G. reported that she and defendant had been playing with a frisbee when defendant threw it into the woods. R17. After she accompanied defendant into the woods retrieve it, defendant "peed with [her]" and then licked her butt. RI17-18.

Defendant testified that, if released, he would move from Peoria to St. David, Illinois to live with his mother, would not go to Peoria, RI48-49, and would abide by any conditions of pretrial release the court ordered, including GPS monitoring, RI50-52. But defendant also testified that he was a stay-at-home father in Peoria, where he lived with his fiancée and their son. R48-49. Defendant asserted that he would look for work if released, RI49, so that he could support his four children "financially, physically, [and] emotionally." RI50. However, when questioned by the court, defendant admitted that he had not seen three of his four children since 2020, did not know where they lived, and did not get along with their mothers. RI54-55.

The circuit court again found that the proof was evident and the presumption great that defendant had committed the charged sexual assaults. RI68. Based on the evidence that defendant had molested or otherwise engaged in sexual behavior with a number of children, the court found that his release would place the community at risk. RI68-69. The court also doubted that it was merely a coincidence that defendant had moved from Canton to Peoria and was living less than a half mile from where F.W., C.W., and E.W. lived. RI70.

As to whether any condition or combination of conditions could mitigate the danger that defendant posed to the community, the court discredited defendant's assertions that he would abide by the terms of release. RI69-70. Defendant's credibility was particularly undermined by the fact that, while he alleged that he needed to be released to support his children, he did not know where his children lived. RI69. Because the court did not believe that defendant would abide by any conditions of release, the court found that no set of conditions could mitigate the danger he posed to the community and denied pretrial release. RI70; C57-59.

Defendant appealed, C65, 67-68, and the appellate court affirmed. *People v. Post*, 2025 IL App (4th) 241527-U, ¶ 51. The appellate court held that the circuit court's conclusion that no set of conditions could adequately mitigate defendant's danger to the community given his pattern of sexually abusive behavior toward children (including his own) was not against the manifest weight of the evidence presented at the detention hearing. *Id.* ¶ 47.

III. The Circuit Court Subsequently Finds That Defendant's Alleged Change in Circumstances Does Not Warrant Altering Its Pretrial Detention Decision.

In April 2025, one month after the appellate court affirmed the circuit court's order denying pretrial release, defendant filed a motion for review of his pre-trial detention under 725 ILCS 5/110-6.1(i-5), alleging that there had been "a change in circumstance" that rendered his continued detention unnecessary. C79. Specifically, defendant alleged that he no longer would pose a danger to the community if released because he would live with his mother and father, who would monitor him; he would agree to wear an ankle monitor; and he would agree to abide by all conditions of pretrial release. C79-80.

At the next hearing, the circuit court addressed defendant's continued detention. R111-29. Defendant testified that he was amenable to home detention and GPS monitoring and, if released, he would live in St. David, Illinois, with his mother, who would stay at home and supervise him. R115-16. Defendant was in his 30's at the time, R6, and his mother was 64, R119. When questioned by the court, defendant admitted that his mother was not in good health and regularly received medical treatment for heart and artery conditions. *Id.* He also claimed that he needed to be released to obtain unspecified "information" that would assist in his defense that was "not something that [wa]s accessible unless [he] w[as] released from the custody of the Fulton County Sheriff's Department." R116-17.

The court denied the motion and continued defendant's detention. R127; C84. The court again found defendant to be incredible and specifically found his claim that he needed to be released to access information for his defense so incredible that it undermined his credibility in general. R127. Moreover, the court found that defendant's offer to live with his mother on GPS monitoring would not adequately mitigate the danger he posed to the community. *Id.* As the court explained, defendant's mother would not be able to effectively monitor defendant because she was in poor health and in need of medical treatment. *Id.* Nor did the court believe that GPS monitoring could adequately mitigate the risk. *Id.* Based on the evidence it had heard, the court found "no substantial changes in [defendant's] circumstances" since the court had initially ordered him detained and denied the motion to reconsider its prior detention decision. C84.

Defendant moved for relief pursuant to Supreme Court Rule 604(h)(2), arguing that there had been a "change in circumstance" — that he "had secured appropriate housing" (*i.e.*, would live with his mother), would agree to wear an ankle monitor, and would abide by any conditions of release — and that therefore his detention was no longer the least restrictive means of protecting the community. C85-86; R131-32. The circuit court denied the motion, R133-34, and defendant appealed, C90, 92-93.

IV. The Appellate Court Affirms.

The appellate court affirmed the circuit court's order continuing defendant's detention. A3, ¶ 1. The appellate court held that "there is a fundamental difference between an order of detention and an order of *continued* detention." A9, ¶ 25 (emphasis in original). When deciding whether to initially detain a defendant pending trial, a circuit court must presume that he is entitled to release unless the People bear their burden of proving the necessity of detention. *Id.* But when a circuit court considers whether to continue detention, there is no burden of proof; the People have already carried their burden to prove the necessity of detention, and the question becomes whether some new information or a change in circumstances warrants altering the prior detention order. A10, ¶ 26.

The appellate court found statutory support for this conclusion in the fact that that 725 ILCS 5/110-6.1(i-5), which governs determinations whether to continue detention, specifically excludes the permission to modify detention without "new information or a change in circumstances," found in other analogous provisions of the code. *Id.* The appellate court further found its conclusion supported by common sense, for "'[i]f a court has found that a defendant qualifies for detention and no new information or change in circumstances is present,'" it would make "'little sense'" for the court to "'reverse its prior ruling for no particular reason.'" *Id.* (quoting *People v. Walton*, 2024 IL App (4th) 240541, ¶ 29).

Because the circuit court's decision regarding continued detention did not turn on a finding that any party had (or had carried) a burden of proof, the appellate court held that the issue was properly reviewed for an abuse of discretion. A12, ¶ 29. The appellate court then applied that standard and held that the circuit court properly concluded that continued detention was necessary because "[d]efendant failed to present to the court any new information or demonstrate a change in circumstances to justify changing the court's decision to order his pretrial detention." A13, ¶ 30.

STANDARDS OF REVIEW

Determining the proper standard of review for the circuit court's decision whether to continue defendant's pretrial detention presents a legal question that this Court considers de novo. *Beggs v. Bd. of Educ. of Murphysboro Cmty. Unit Sch. Dist. No. 186*, 2016 IL 120236, ¶ 52. Likewise, whether 725 ILCS 5/110-6.1(i-5) required the circuit court to determine whether some new information or change in circumstances warrants releasing defendant from his previously ordered detention is a matter of statutory interpretation and, therefore, reviewed de novo. *People v. Davidson*, 2023 IL 127538, ¶ 13. The Court reviews for an abuse of discretion the circuit court's decision to continue defendant's pretrial detention. *See infra* § I.B.

ARGUMENT

At a continued detention hearing, the circuit court's role is to determine whether any new information or change in circumstances merits a change in its initial detention ruling. *See infra* § I.A. Here, the circuit court determined that there had been no material change in defendant's circumstances, and that continued detention remained necessary. C84. That determination is reviewed for abuse of discretion, *see infra* § I.B, but, regardless of the standard of review applied, the circuit court did not err in holding that continued detention was necessary, *see infra* § II.

I. The Circuit Court's Decision to Continue Defendant's Pretrial Detention Because No New Information or Change in Circumstances Warranted a Change Is Reviewed for an Abuse of Discretion.

As a threshold matter, this appeal raises two questions: what determination a circuit court is called upon to make at a continued detention hearing, and what standard of review a reviewing court should use in evaluating that determination. Answering the latter question requires first answering the former question, for as this Court recently noted, the proper standard of review turns on "the substance and nature of the question under review." *People v. Morgan*, 2025 IL 130626*,* ¶ 19.

Here, the plain language of subsection 110-6.1(i-5) required the circuit court, in considering the necessity of defendant's continued detention, to answer the question of whether some new information or change in circumstances warranted changing its prior determination that pretrial detention was necessary. Although subsection 110-6.1(i-5) calls for the circuit court to make factual findings, the question before the court is not purely factual, for its answer does not turn merely on whether a certain fact existed or whether party had carried a burden of proof. Rather, a continued detention hearing requires the court first to determine whether there was any new information or change in circumstances, then to make a prudential determination of whether that new information or change in circumstance warrants changing the court's previous detention decision. Accordingly, the circuit court's decision not to disturb its prior detention ruling, is reviewed for abuse of discretion.[3]

[3] The People did not forfeit the proper standard of review by citing the manifest-error standard in the appellate court. The proper standard of review is not an issue that can be forfeited or waived, *Zurich Ins. Co. v. Raymark Indus.*, 213 Ill. App. 3d 591, 594 (1st Dist. 1991), for the Court, not the parties, is entrusted with determining the proper standard of review, *Carnes v. HMO La., Inc.*, 114 F.4th 927, 929 (7th Cir. 2024); *see also People v. Washington*, 2023 IL 127952, ¶ 71 (Rochford, J., concurring) ("the failure of either party to argue the correct standard does not preclude this court from identifying and applying the correct standard").

A. The question before the circuit court was whether some new information or change in circumstances warranted changing its prior detention order.

To identify the nature of the question before the circuit court under subsection 110-6.1(i-5), the Court must construe that statute. "The cardinal rule in construing a statute is to ascertain and give effect to the legislative intent." *In re Jarquan B.*, 2017 IL 121483, ¶ 22. "The most reliable indicator of that intent is the plain and ordinary meaning of the statutory language itself," *id.*, which the Court construes in light of "the reason for the law, the problem sought to be remedied, the purposes to be achieved, and the consequences of construing the statute one way or another," *People v. Boyce*, 2015 IL 117108, ¶ 15. Moreover, in construing subsection 110-6.1(i-5), this Court must view it in the context of the entirety of section 110-6.1 and related provisions of the Pre-Trial Fairness Act (PFA) "as a whole, construing words and phrases in connection with other relevant statutory provisions rather than in isolation." *People v. Fair*, 2024 IL 128373, ¶ 61.

1. The text of subsection 110-6.1(i-5) makes a continued detention dependent on whether some new information or a change in circumstances makes detention no longer necessary.

The plain text of subsection 110-6.1(i-5) requires the circuit court to determine whether there is any reason to conclude that the defendant's detention is no longer necessary. And that text, read in the context of the related provisions of the PFA, indicates that a showing of new information or a change in circumstances is necessary for a court to conclude that detention is no longer necessary.

i. The text of subsection 110-6.1(i-5) requires the circuit court to determine the necessity of "continued" detention rather than reconsider its initial detention decision.

A brief overview of section 110-6.1 places subsection 110-6.1(i-5) in context. Before a circuit court applies subsection 110-6.1(i-5), it has already found that the People proved that the defendant's detention was necessary by clear and convincing evidence and entered the initial detention order. 720 ILCS 5/110-6.1(e). Thereafter, at every subsequent appearance, subsection 110-6.1(i-5) requires the circuit court to determine whether a defendant's "*continued* detention" is necessary. 725 ILCS 5/110-6.1(i-5) (emphasis added). But in doing so, subsection 110-6.1(i-5) does not require the circuit court to reconsider the initial detention order. Rather, it requires the circuit court to determine whether, given that the defendant's detention was previously proved necessary, the conditions that required that detention continue to hold.

To read subsection 110-6.1(i-5), as defendant would have it, Def. Br. 23-26, to require reconsideration of the initial detention order at every appearance would render the word "continued" superfluous, in contravention of the canon of construction requiring this Court to "construe the statute to avoid rendering any part of it meaningless or superfluous." *People v. Marshall*, 242 Ill. 2d 285, 292 (2011); *see also People v. Heintz*, 2026 IL

131340, ¶ 33 (a reading that rendered the word "prior" superfluous was at odds with the plain meaning of a rule). Had the legislature intended that the circuit court reconsider its initial detention determination at every subsequent appearance, there would be no reason to specify that the court "must find that *continued detention* is necessary" as opposed to simply requiring that the court "must find that *detention* is necessary."

This Court has recognized the significance of similar language distinguishing detention hearings from continued detention hearings in the context of the Sexually Violent Persons (SVP) Commitment Act. The SVP Act, like section 110-6.1, provides that the People carry a burden of proof at trial to establish that an individual must be detained — in the case of proceedings under the SVP Act, the People must prove that the individual is a sexually violent person. 725 ILCS 207/35. Following the judgment of commitment, the SVP Act requires periodic reevaluations to determine whether there is probable cause to believe that the committed person "is no longer a sexually violent person." 725 ILCS 207/65(b)(1). If so, the circuit court must then hold a hearing to determine whether "the committed person is still a sexually violent person." *Id.* § 207/65(b)(2).

In *In re Det. of Stanbridge*, 2012 IL 112337, this Court rejected the argument that the circuit court's task at these periodic reexamination proceedings was simply to reconsider whether the committed person was a sexually violent person. As the Court explained, [b]y using the terms 'no longer' and 'still,' the legislature intended that the relevant inquiry must begin with the premise that the individual has been adjudicated [a sexually violent person]," and, therefore, "the individual must present some plausible evidence that demonstrates a change in the circumstances that led to this finding." *Stanbridge*, 2012 IL 112337, ¶ 72. Otherwise, the Court added, the terms "no longer" or "still" would be "superfluous." *Id.*

The word "continued" plays a similar role in subsection 110-6.1(i-5). By specifying that the circuit court is to evaluate the need for the defendant's "continued detention," the legislature signaled its intent that the inquiry proceed from the premise that the detention question has already been litigated and detention found necessary. 725 ILCS 110-6.1(i-5). For the court to conclude that detention is no longer necessary, there must be "some plausible evidence that demonstrates a change in the circumstances" to support that conclusion. *Stanbridge*, 2012 IL 112337, ¶ 72.

Defendant errs in relying on *People v. Rice*, 2025 IL App (3d) 250262, for the proposition that there need not be any new information or change in circumstances before a circuit court concludes that continued detention is unnecessary under subsection 110-6.1(i-5). *See* Def. Br. 23-24. The court in *Rice* held only that, once a circuit court has ordered a defendant detained, its statutory obligation to determine at every subsequent appearance whether the defendant's continued detention remains necessary is not contingent on the presentation of evidence that circumstances have changed. 2025 IL App

(3d) 250262, ¶ 12. Because subsection 110-6.1(i-5) requires that determination to be made at every hearing, without exception, requiring evidence of a change in circumstances to *even consider* whether continued detention remains necessary would "engraft[ ] an additional condition at odds with the plain language of [sub]section 110-6.1(i-5)." *Id.* In short, *Rice* determined the pre-requisites for the court to inquire into the necessity of continued detention, not the pre-requisites for the court to reach any particular outcome in that inquiry.

To the extent that *Rice* stands for the further proposition that a circuit court need not hear new information or evidence of a change in circumstances before determining that continued detention is unnecessary, *Rice* is incorrect. As explained, while subsection 110-6.1(i-5) requires an inquiry into the necessity of continued detention at every appearance, the determination at issue is not a reconsideration of the initial detention but an evaluation of the necessity of "continued detention." 725 ILCS 110-6.1(i-5).

ii. Read in the context of related provisions, the necessity of continued detention under subsection 110-6.1(i-5) turns on whether some new information or change in circumstances renders continued detention unnecessary.

The distinctions between three parallel statutory provisions addressing the circuit court's obligation to revisit pretrial detention determinations, 725 ILCS 5/110-5(f-5), 725 ILCS 5/110-6(j), and 725 ILCS 5/110-6.1(i-5), confirms that subsection 110-6.1(i-5) is intended to require new information or a change in circumstances before the court modifies a defendant's detention status. *See Fair*, 2024 IL 128373, ¶ 61 (statutes should be considered "as a whole, construing words and phrases in connection with other relevant statutory provisions rather than in isolation").

The first of these provisions, subsection 110-5(f-5), governs the circuit court's ongoing consideration of the necessity of conditions placed on a defendant who was granted pretrial release and specifies that

> At each subsequent appearance of the defendant before the court, the judge must find that the current conditions imposed are necessary to reasonably ensure the appearance of the defendant as required, the safety of any other person, and the compliance of the defendant with all the conditions of pretrial release. The court is *not* required to be presented with new information or a change in circumstance to remove pretrial conditions.

725 ILCS 5/110-5(f-5) (emphasis added). That is, subsection 110-5(f-5) expressly provides that new information or a change in circumstances is not required for the court to remove pretrial release conditions. By contrast, the two provisions governing the necessity of continued detention, subsections 110-6(j) and 110-6.1(i-5), include no similar language. Subsection 110-6(i-5) provides that, after a defendant has been detained at an initial detention hearing,

> At each subsequent appearance of the defendant before the court, the judge 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.

id. § 110-6.1(i-5). And subsection 110-6(j) provides that, after an individual has been detained for violations of pretrial release conditions,

> At each subsequent appearance of the defendant before the court, the judge must find that continued detention under this Section is necessary to reasonably ensure the appearance of the defendant for later hearings or to prevent the defendant from being charged with a subsequent felony or Class A misdemeanor.

id. § 110-6(j).

Given that the legislature is presumed to have intentionally omitted from subsections 110-6(j) and 110-6.1(i-5) the phrase "[t]he court is not required to be presented with new information or a change in circumstance to remove pretrial conditions," the legislature also must be presumed to have intentionally omitted permission for courts to make a change to pretrial detention without new information or a change in circumstances from subsections 110-6(j) and 110-6.1(i-5). This is so because "[w]hen the legislature includes particular language in one section of a statute but omits it in another section of the same statute, courts presume that the legislature acted intentionally and purposely in the inclusion or exclusion, and that the legislature intended different meanings and results." *Chi. Tchrs. Union, Local No. 1*, 2012 IL 112566, ¶ 24; *see also People v. Gossens*, 2015 IL 118347, ¶ 12 ("It is well settled that when the legislature uses certain language in one instance of a statute and different language in another part, we assume different meanings were intended.").

The omission from subsections 110-6(j) and 110-6.1(i-5) of express permission to make a change in the absence of new information or a change in circumstances makes sense given that subsection 110-5(f-5) focuses only on whether the "current conditions imposed are necessary" writ large, whereas both subsections 110-6(j) and 110-6.1(i-5) expressly direct the circuit court to consider the "continued" necessity of the defendant's detention. When a defendant is released pending trial, even in the absence of new evidence, a court could reasonably conclude that, because the defendant has been complying with the conditions, some of them may no longer be needed. In such circumstances, no news may well be good news. So, the legislature, in subsection 110-5(f-5), did not use the language about *continued* necessity and expressly provided that no new information was needed to remove conditions of release.

By contrast, when a defendant is detained pending trial, a lack of new information or change in circumstances provides no basis to believe that his detention is no longer necessary. So, the legislature used the "continued" detention language and omitted permission to make a change without new evidence. Together, these textual distinctions demonstrate that new information or a change in circumstances is required for the court to modify detention under subsection 110-6.1(i-5).

2. Requiring the circuit court to repeatedly reconsider its initial detention decision based on no new information would result in needless and sometimes impermissible reconsideration of issues already decided.

Giving effect to the legislature's intent that a circuit court look to whether there is some material new information or change in circumstances when considering the necessity of continued detention avoids the absurd result of requiring repeated reconsideration of a question the circuit court has already decided. *See People v. Garcia*, 241 Ill. 2d 416, 421 (2011) ("It is always presumed that the legislature did not intend to cause absurd, inconvenient, or unjust results."). As this Court explained in *Stanbridge*, requiring the circuit court to focus on changed circumstances when periodically reevaluating the necessity of detention serves the purpose of ensuring that a person who should be released does not remain detained, "'while avoiding continual relitigation of issues.'" 2012 IL 112337, ¶ 71 (quoting *In re Commitment of Combs*, 720 N.W.2d 684, 695 (Wis. 2006)).

By contrast, under defendant's reading of the statute, the circuit court, having found that the People proved by clear and convincing evidence that his detention was necessary to protect the community, must continually reconsider that question at each appearance and without any new information or change in circumstances that would merit such reconsideration. Def. Br. 23-26. In defendant's view, no matter how many times a court has held that a set of circumstances requires detention, the court must, at each hearing, consider whether that same set of circumstances requires detention. But "[i]f a court has found that a defendant qualifies for detention and no new information or change in circumstances is presented, it makes little sense to think that court would reverse its prior ruling for no particular reason." *People v. Walton*, 2024 IL App (4th) 240541, ¶ 29.

The facts of this case illustrate the absurdity of reading subsection 110-6.1(i-5) to require reconsideration of the initial detention question based on the same evidence. At the initial detention hearing, the circuit court found defendant's detention necessary, RI70; C57-59, notwithstanding his assurances that he would live with his mother, be amenable to electronic monitoring, and comply with conditions of release, R18-19; RI148-51. The appellate court affirmed that order. *Post*, 2025 IL App (4th) 241527-U. ¶ 52. Thus, when defendant again argued that his detention was unnecessary because he would live with his mother, was amenable to electronic monitoring, and would comply with all conditions of release, C79-80, the circuit court was bound by the appellate court's holding that defendant's detention was necessary based on the evidence presented at the initial detention hearing. *See In re Christopher K.*, 217 Ill. 2d 348, 363 (2005) ("The law-of-the-case doctrine prohibits the reconsideration of issues that have been decided by a reviewing court in a prior appeal.").

As a result, in arguing that the detention affirmed by the appellate court is unnecessary, absent new information or a change in circumstances, defendant would have to concede that (1) the circuit court already ruled that detention was necessary and (2) the appellate court had affirmed that ruling as correct, and argue that the court nonetheless should reconsider the ruling despite nothing having changed. There is no reason to believe that the legislature intended to require that the circuit court waste judicial resources in this manner. *See Garcia*, 241 Ill. 2d at 421.

Nor is there cause for defendant's concern that reading subsection 110-6.1(i-5) to require new information or a change in circumstances would prevent the circuit court from correcting allegedly hasty, ill-considered, or legally erroneous detention rulings. Def. Br. 25-26. If a defendant believes that the circuit court's initial detention ruling was erroneous, his remedy lies in a motion for relief pursuant to Supreme Court Rule 604(h)(2) — as, indeed, defendant filed in this case. If the circuit court disagrees, the order denying that motion is immediately appealable. 725 ILCS 5/110-6.1(j)-(k); Ill. S. Ct. R. 604(h)(1). And if the defendant neither files the motion nor appeals but the circuit court subsequently concludes that it erred, the court retains the "inherent power to reconsider and correct its own rulings, even in the absence of a statute or rule granting it such authority." *People v. Mink*, 141 Ill. 2d 163, 171 (1990). In short, the circuit court does not need authorization by subsection 110-6.1(i-5) to address its mistakes.

Thus, the question is not whether subsection 110-6.1(i-5) authorizes the circuit court to reconsider its prior detention decision, but whether it mandates that the court do so at every subsequent court appearance, regardless of whether there is new evidence that could provide a reason to do so and regardless of how many times it has previously ruled that detention is appropriate. Nothing in the plain language of the statute requires this absurd result.

3. Giving effect to the plain language of subsection 110-6.1(i-5) does not create an impermissible mandatory presumption or shift a burden of proof to the defendant.

Defendant's contention that this reading of subsection 110-6.1(i-5) creates an impermissible mandatory presumption, Def. Br. 26-28, is incorrect for at least two reasons: (1) subsection 110-6.1(i-5) does not create a mandatory presumption, and (2) even if it did, such a presumption would not be unconstitutional.

"A presumption is a legal device that either permits or requires the trier of fact to assume the existence of an ultimate fact, after establishing certain predicate facts." *People v. Woodrum*, 223 Ill. 2d 286, 308 (2006). A mandatory presumption is an inference that the fact-finder is required to draw unless rebutted. *People v. Hester*, 131 Ill. 2d 91, 99 (1989). Such presumptions are unconstitutional in criminal trials because, by requiring the defendant to rebut them, they shift the burden of production to the defendant rather than requiring the prosecution to justify the inference beyond a reasonable doubt, *People v. Watts*, 181 Ill. 2d 133, 148-50 (1998), thereby infringing upon the defendant's Sixth Amendment right to trial by jury by relieving the prosecution of its burden of proof, *id.* at 149.

But because there is no burden of proof at a continued detention hearing, giving effect to subsection 110-6.1(i-5)'s requirement of new information or a change in circumstances does not relieve the People of any burden by creating a mandatory presumption. The People bear a statutory burden at the initial detention hearing, where they must overcome the presumption that the defendant is eligible for release by proving the necessity of detention by clear and convincing evidence. 725 ILCS 5/110-2(a); *id.* § 110-6.1(e). Once the People have proven the necessity of detention, however, the presumption of eligibility for release no longer applies, just as a defendant's presumption of innocence does not apply after jury has found guilt beyond a reasonable doubt. In other words, when the court subsequently determines the necessity of continued detention under subsection 110-6.1(i-5), the People have *already* carried their burden.

That the People do not bear any burden of proof at a continued detention hearing is confirmed by reference to other provisions, which show that the legislature included a burden of proof when it intended that one apply. *See, e.g.*, 725 ILCS 5/110-6.1(e) (burden of proving necessity of detention by clear and convincing evidence at initial detention hearing); *id.* § 110-2(b) (same, to prove necessity of any conditions of pretrial release); *id.* § 110-6(a) (same, to prove necessity of detention following petition for revocation of pretrial release); *id.* § 110-6(e) (same, to prove violation of pretrial release following petition for sanctions). The legislature's decision not to impose a burden of proof at continued detention hearings under subsection 110-6.1(i-5) demonstrates its intent that no burden applies. *See*

Chi. Tchrs. Union, 2012 IL 112566, ¶ 24 (inclusion of language in one provision and omission from another intent that provisions operate differently).

For these reasons, the appellate court has repeatedly recognized that the People do not bear any burden of proof at a continued detention hearing. *See*, *e.g.*, *People v. Casey*, 2024 IL App (3d) 230568, ¶ 13; *People v. Thomas*, 2024 IL App (1st) 240479, ¶ 16. And because there is no burden of proof on the People at a continued detention hearing, there is no burden of proof to shift and thus no impermissible mandatory presumption.

For his part, defendant argues that, while the statute "does not express a specific burden of proof," this is because the People's "original burdens necessarily encompass the continued detention finding." Def. Br. 16. But this cannot be so, because the legislature explicitly differentiated between the factual findings made at an initial detention hearing and those made at the continued detention hearing. Most notably, at an initial detention hearing the People must prove that "that the proof is evident or the presumption great that the defendant has committed a qualifying offense," 725 ILCS 5/110-6.1(e), whereas no such finding is required at the continued detention hearing, *id.* § 5/110-6.1(i-5). Thus, as the appellate court has held, the statute cannot be read to impose the same burden at both hearings. *See Casey*, 2024 IL App (3d) 230568, ¶ 13; *People v. Hongo*, 2024 IL App (1st) 232482, ¶ 27.

Defendant also complains that the circuit court, having found detention proved necessary by clear and convincing evidence, is permitted to rely on that finding absent some reason to question it — *i.e.*, some new information or change in circumstance that could render continued detention unnecessary. *See* Def. Br. at 26-28. But the proposition that what has been proven remains proven unless the defendant raises some reason to disturb that finding is common across the law of several other States and the federal government in the detention context. As in Illinois, the law of these jurisdictions provides that, once the burden of proof on detention has been met and the issue adjudicated, the matter is not re-opened unless and until a party brings to the court's attention some reason to believe the court's decision should be reconsidered. *See*, *e.g.,* 18 U.S.C. § 3145(b) (requiring the defendant to make a motion and provide a basis to amend a pretrial detention order before re-adjudication of pretrial detention); IN Code § 35-33-8-5 (similar); Mo. Rev. Stat. § 544.455(5) (similar); Wis. Stat. § 969.035(10) (similar).[4]

In any event, even if subsection 110-6.1(i-5) created a mandatory presumption, mandatory presumptions that shift the burden of production to

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[4] To the extent defendant suggests that the People's position improperly places a burden on defendants to produce material new information or evidence of a change in circumstance because the People will never do so, that argument rests on an unsupportable assumption of bad faith on the part of the People. *See* Def. Br. 28. To be sure, defendants will often be in a better position to alert the circuit court to such information, but that fact does not place a burden of proof on the defendant.

the defendant are not necessarily impermissible. As defendant's cited authority establishes, they are impermissible at criminal trials because defendants are constitutionally entitled to the presumption of innocence. Def. Br. 27 (citing *Watts*, 181 Ill. 2d at 147). But when criminal proceedings do not adjudicate guilt or innocence, "the legislature is free to impose on defendant the burden of producing some evidence to contradict the presumption created by the State's introduction of prima facie evidence." *People v. Brown*, 229 Ill. 2d 374, 378 (2008). Accordingly, defendants may be required to produce evidence at sentencing, *id.*, or to oppose transfer from juvenile to criminal court, *id.* (citing *People v. Beltran*, 327 Ill. App. 3d 685, 691-92 (2d Dist. 2002)). There is no reason the same should not be true at a continued detention hearing. *See Bell v. Wolfish*, 441 U.S. 520, 533 (1979) ("Without question, the presumption of innocence plays an important role in our criminal justice system. . . . But it has no application to a determination of the rights of a pretrial detainee during confinement before his trial has even begun.").

Thus, even if subsection 110-6.1(i-5) created a mandatory presumption that the pretrial detention previously proven necessary remains necessary, which it does not, that presumption would be constitutionally permissible. Accordingly, this Court should give effect to subsection 110-6.1(i-5)'s plain language and context, which requires the circuit court in a continued detention to determine whether there was any new information or change in circumstances that renders detention no longer necessary.

B. The circuit court's determination that there is no new information or change in circumstances meriting changing its prior detention order is reviewed for an abuse of discretion.

And when a circuit court determines, following a continued detention hearing, that there is no new information or a change in circumstances that warrants revisiting its prior detention order, that determination is reviewed for abuse of discretion. Although subsection 110-6.1(i-5) requires the circuit court to make factual findings, which typically would be subject to the manifest-weight standard, the court's determination that continued detention is necessary does not rest on a finding that any party carried its burden of proving a particular fact, but rather requires the court to prudentially weigh the interests of the parties and the community and determine whether its former detention decision ought to be undone. This is a discretionary decision that, as such, is reviewed for abuse of discretion.

To begin, most purely factual findings turn on whether a party has met its burden of proving a particular fact. *See Morgan*, 2025 IL 130626, ¶ 20. In these circumstances, the burden of proof is "concerned with the quantum and quality of proof that must be presented in order to prevail on an issue." *In re D.T.*, 212 Ill.2d 347, 355 (2004). Thus, the question for the circuit court as factfinder is whether the evidence presented was enough — *i.e.*, whether it has sufficient weight — to provide the specified degree of confidence that the fact exists. *See id.* And the question for the reviewing court is whether, after giving appropriate deference to the circuit court's better ability to judge credibility and resolve inferences, the manifest weight of the evidence supports the finding. *See Morgan*, 2025 IL 130626, ¶ 21.[5]

Sometimes, however, factual findings are made in service of a discretionary inquiry rather than as an end in and of themselves. In these circumstances, the circuit court is asked not to determine whether a party has met a burden of proof but to make factual findings and then to come to a prudential determination based on those findings, a determination that is reviewed for abuse of discretion. *Id.* ¶ 31. For instance, the Juvenile Court Act provides a series of statutory factors for the circuit court's determination and then requires the court to balance those factors, as well as the interests of the parties and the public, but does not require that any party meet a burden of proof. *See People v. Morgan*, 197 Ill. 2d 404, 422-23 (2001). For these reasons, as this Court explained in *Morgan*, a circuit court's decision to try a minor as an adult is reviewed for abuse of discretion. *See* 2025 IL 130626, ¶ 21 (citing *Morgan*, 197 Ill. 2d at 422-23). Likewise, sentencing decisions require the circuit court to balance statutory factors but do not

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[5] An exception to this rule arises where a circuit court has heard no live testimony. In such cases, the reviewing court still evaluates whether the weight of the evidence is sufficient to meet the burden of proof but "stands in the same position as the circuit court," so need not review the record with the same deference. *Morgan*, 2025 IL 130626, ¶ 21. That exception is not at issue here because the circuit court heard live testimony at each of defendant's detention hearings.

impose a burden of proof of any party. *See* 730 ILCS 5/5-5-3.1, 5-5-3.2. As a result, these decisions also are reviewed for an abuse of discretion. *See Morgan*, 2025 IL 130626 ¶ 31 (citing *People v. Alexander*, 239 Ill. 2d 205, 212 (2010)).

Similarly, when a circuit court determines whether new information or a change in circumstances warrants changing its prior detention order under subsection 110-6.1(i-5), the court does not evaluate the evidence to determine whether a party has met their burden of proof, for there is no burden of proof. *See supra* § I.A.3. Instead, the court determines whether there was any new information or change in circumstances, and, if there is, makes a prudential determination whether that new information or changed circumstances, when considered along with the interests of the parties and the community, warrants changing the court's previous detention decision. Thus, as the appellate court has held, a circuit court's determination following a continued detention hearing is reviewed for abuse of discretion. *See, Thomas*, 2024 IL App (1st) 240479, ¶ 14; *Casey*, 2024 IL App (3d) 230568, ¶ 13; *People v. Harris*, 2024 IL App (2d) 240070, ¶42.

Not only is there no statutorily prescribed burden of proof applicable to a continued detention hearing, but the inquiry necessarily takes place after a burden of proof has been met, a ruling been made, and (in some cases) an appeal taken, under circumstances where a party believes that later-disclosed evidence warrants revisiting that ruling. In this regard, a circuit court's ruling after a continued detention hearing is akin to an order granting or denying a motion to reconsider based on new evidence, which is reviewed for an abuse of discretion. *See Robidoux v. Oliphant*, 201 Ill. 2d 324, 347 (2002) (reviewing circuit court's decision on motion to reconsider based on new evidence for abuse of discretion); *Dep't of Public Works & Bldgs. v. Drobnick*, 14 Ill. 2d 28, 32-33 (1958) (same for circuit court's decision whether to reopen proofs to allow presentation of new evidence). A circuit court's ruling following a continued detention hearing is likewise analogous to a ruling on a petition for relief from judgment under 735 ILCS 5/2-1401, which "bring[s] to the court's attention factual matters that, if known to the court before entry of judgment, would have precluded entry of that judgment" and is reviewed for abuse of discretion. *Warren Cnty. Soil & Water Conservation Dist. v. Walters*, 2015 IL 117783, ¶¶ 32-35, 51-52. The continued detention ruling should therefore be reviewed under the same standard: abuse of discretion.

For his part, defendant argues that because a continued detention hearing requires the circuit court to make findings based on the facts of the case, those findings must be reviewed for manifest weight. *See* Def. Br. 14. But this argument misunderstands the role of factual findings in the abuse-of-discretion inquiry. As this Court has explained, where a circuit court's prudential determination was motivated by a factual finding that was against the manifest weight of the evidence, then the court abused its discretion. *See In re Marriage of De Bates*, 212 Ill. 2d 489, 523 (2004); *Gibbons v. Retirement Bd. of Policemen's Annuity & Benefit Fund*, 412 Ill. 373, 374 (1952). This comports with the United States Supreme Court's reasoning that a trial court "necessarily abuse[d] its discretion if it based its ruling on . . . a clearly erroneous assessment of the evidence." *Highmark Inc. v. Allcare Health Mgmt. Sys.*, 572 U.S. 559, 563 n.2 (2014) (citation and internal quotations omitted); *see also People v. Luedemann*, 222 Ill. 2d 530, 542 (2006) (factual finding is "clearly erroneous" under federal standard if it is "against the manifest weight of the evidence"). Thus, under the abuse-of-discretion standard, a reviewing court does not simply ignore manifestly erroneous factual findings.[6] The question governing standard of review, then, is not whether the circuit court made factual findings, but rather whether the court also made a prudential determination. Here, the latter is true.

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[6] As a result, in practice the abuse-of-discretion standard is similar to the manifest-weight standard. *Compare People v. Peterson*, 2017 IL 120331, ¶ 125 (circuit court abuses its discretion if its decision was "arbitrary, fanciful, or unreasonable"), *with People v. Chatman*, 2024 IL 129133, ¶ 34 (circuit court's ruling is against the manifest weight of the evidence if its decision was "unreasonable, arbitrary, or not based on the evidence presented"). Indeed, this Court has often treated them as interchangeable. *See, e.g.*, *In re Mariage of Logoston*, 103 Ill. 2d 266, 287 (1984); *In re Custody of Sussenbach*, 108 Ill. 2d 489, 499 (1989); *Mizell v. Passo*, 147 Ill. 2d 430, 425-26 (1992); *In re Mariage of Minear*, 181 Ill.2d 552, 561 (1998); *People v. Crane*, 195 Ill. 2d 42, 51 (2001); *People v. Cole*, 2017 IL 120997, ¶ 19. IL 117911, ¶ 68.

Defendant also argues that the manifest-weight standard should apply because continued detention hearings implicate liberty interests. *See* Def. Br. 12-13, 17-21. But this Court in *Morgan* rejected the notion that the standard of review turns on the nature of the right at stake. *See* 2025 IL 130626, ¶ 36. As the Court explained, the government has a strong interest at stake in pretrial detention — protecting victims and the public — and "[i]t is not this [C]ourt's place to select which interest is more compelling and therefore favored via application of a particular standard of review on appeal." *Id.* ¶ 35. Rather, the standard of review turns on the nature and substance of the determination at issue. *Id.* ¶¶ 35-36. And, as discussed, the inquiry required by subsection 110-6.1(i-5) calls on the circuit court to exercise its discretion rather than to determine whether any party has met its burden of proving any particular fact.

In short, because a continued detention hearing requires the circuit court to make a prudential determination about what to do with the facts found, the court's determination is reviewed for abuse of discretion.

II. Under Any Standard, the Appellate Court Correctly Affirmed the Circuit Court's Determination that Defendant's Continued Detention Was Necessary.

In any event, under any standard of review, the appellate court correctly affirmed the circuit court's determination that the information presented at defendant's continued detention hearing did not show changed circumstances meriting a change in his detention status.

The circuit court heard ample evidence at the initial detention hearing to support its conclusions that (1) the proof was evident or the presumption great that defendant committed the charged crimes, (2) defendant posed a real and present threat to the community, and (3) no condition or combination of conditions could mitigate the danger to the community. RI68-69; R127. In particular, the court heard evidence that defendant had engaged in inappropriate sexual behavior with at least seven victims, including at least four young children. RI17-43. These individuals came from different families, including his own, suggesting that he was a danger to the community at large. The court also considered defendant's live testimony and, given the flaws in that testimony, found that he was not credible and that his promises to abide by any terms of pretrial release were not believable. RI69-70; R127.

For the circuit court to have abused its discretion (or acted contrary to the manifest weight of the evidence) in declining to disturb its initial detention order following the continued detention hearing, the new information or change in circumstances presented at that hearing must have so clearly rendered defendant's continued detention unnecessary that the circuit court's contrary conclusion could be characterized as arbitrary, fanciful, or unreasonable. *See Peterson*, 2017 IL 120331, ¶ 125 (to constitute an abuse of discretion, circuit court's conclusion must be "arbitrary, fanciful, or unreasonable to the degree that no reasonable person would agree with it") (internal quotations and citation omitted); *Chatman*, 2024 IL 129133, ¶ 34 (circuit court's decision not against the manifest weight of the evidence unless "the opposite conclusion is clearly evident or if the finding itself is unreasonable, arbitrary, or not based on the evidence presented" (internal quotations omitted)).

The evidence presented at the continued detention hearing failed to show any change in defendant's circumstances, much less a change so significant that no reasonable person could believe his continued detention was necessary. To the contrary, defendant presented essentially the same information he had presented at his initial hearing. Defendant testified at the initial hearing that, if released, he would live with his parents under their supervision in St. David, Illinois, submit to electronic monitoring, and comply with the terms of pretrial release. RI48-51. The circuit court found that his proposal that he live with his parents was insufficient and his assurances that he would abide by the conditions of pretrial release were incredible. RI69-70. As the court explained, defendant's credibility was particularly undermined by the fact that, while he alleged that he needed to be released to support his children, he did not know where his children lived. RI69.

Defendant's "new information" at the continued detention hearing included the proposal that he live at home in St. David with his mother, submit to electronic monitoring, and abide by the terms of pretrial release.

C79; R115. The circuit court rejected that plan — just as it had rejected the materially indistinguishable plan after the initial hearing — because defendant's mother was sick with multiple health conditions and required frequent medical care. R119, 127. She would not, therefore, be able to monitor defendant around the clock, and even if she could, her medical conditions would likely make her incapable of preventing defendant from leaving the house. *Id.* The only other "new" evidence was defendant's testimony that he needed to be released to "access evidence." R116-17. But the circuit court reasonably found that story incredible, and, as such, reasonably rejected it as warranting a change in defendant's pretrial detention status. RI69-70

In short, the continued detention hearing included no new information or change in circumstance meriting a change in defendant's detention status. The circuit court neither abused its discretion nor made findings contrary to the manifest weight of the evidence in recognizing that necessity of defendant's continued detention.

CONCLUSION

For these reasons, the People of the State of Illinois respectfully ask this Court to affirm the appellate court's judgment.

March 11, 2026

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CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages containing the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a) is 39 pages.

/s/ Elizabeth A. Bays
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CERTIFICATE OF FILING AND SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct. On March 11, 2026, the **Brief of Plaintiff-Appellee People of the State of Illinois** was filed with the Clerk of the Supreme Court of Illinois, using the court's electronic filing system, which provided notice to the following registered e-mail address:

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