

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

No. 132652

IN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF
ILLINOIS,

Plaintiff-Appellee,

v.

JOHNNY WILLIAMS,

Defendant-Appellant.

) On Appeal from the Appellate of
) Illinois, Second District,
) No. 2-25-0370.
)
) There on Appeal from the Circuit
) Court of the Sixteenth Judicial
) Circuit, Kane County, Illinois
) No. 24 CF 2627.
)
) The Honorable
) John A. Barsanti,
) Judge Presiding.

**BRIEF OF PLAINTIFF-APPELLEE
PEOPLE OF THE STATE OF ILLINOIS**

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ORAL ARGUMENT REQUESTED

E-FILED
4/20/2026 10:13
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NATURE OF THE CASE

Defendant was charged with nine counts of predatory criminal sexual assault of a child and four counts of aggravated criminal sexual abuse. C6-18.¹ At the time, defendant was incarcerated in the Illinois Department of Corrections (IDOC), serving a sentence on an unrelated conviction. C51. Prior to defendant's release from IDOC, the People filed a petition to deny pretrial release on the new charges. C60-63. The trial court granted the petition, C85-86, and defendant appealed, C98-99. The appellate court affirmed, A5, and defendant appeals from the judgment. No question is raised on the charging instrument.

ISSUES PRESENTED

Section 110-6.1 provides that the People may petition to deny a defendant's pretrial release either at the first appearance before a judge or within the 21 calendar days of the defendant's arrest and release. 725 ILCS 5/110-6.1(c)(1). The questions presented are:

1. Whether the People's petition to deny pretrial release was timely filed where it was filed before defendant's arrest and release on the relevant charges; and
2. Alternatively, whether section 110-6.1(c)(1)'s time limit is directory and defendant fails to show prejudice.

¹ "C_," "R_," "Supp. R_," "Def. Br. _," and "A_" refer to the common law record, report of proceedings, supplemental report of proceedings, defendant's brief, and appendix to defendant's brief, respectively.

JURISDICTION

Jurisdiction lies under Supreme Court Rules 315 and 612(b). On January 29, 2026, the Court allowed defendant's petition for leave to appeal.

STATUTE INVOLVED

725 ILCS 5/110-6.1 Denial of pretrial release, provides in pertinent part:

(c) Timing of Petition

(1) A petition may be filed without prior notice to the defendant at the first appearance before a judge, or within the 21 calendar days, except as provided in Section 110-6, after arrest and release of the defendant upon reasonable notice to defendant; provided that while such petition is pending before the court, the defendant if previously released shall not be detained.

STATEMENT OF FACTS

I. Trial Court Proceedings

On December 18, 2024, the People charged defendant with nine counts of predatory criminal sexual assault of a child and four counts of aggravated criminal sexual abuse. C6-18. These charges stemmed from defendant's sexual conduct with A.M., who was under the age of 13, from January 1, 2023, through May 12, 2024. *Id.* At the time of the charged offenses, defendant was on mandatory supervised release (MSR) following his convictions of drug induced homicide and delivery of a controlled substance, for which he was sentenced to 9- and 12-year terms, respectively. C63. By the time of the indictment, defendant had been returned to prison, following revocation of his MSR. C51.

On January 16, 2025, defendant was brought by writ from the Illinois River Correctional Center to his first court appearance on the new charges. Supp. R5; C25. Following the hearing, defendant was returned to prison. *See* C77.

Following further proceedings, at which defendant again appeared via writ and in IDOC custody, on May 22, 2025, in anticipation of defendant's approaching release from IDOC custody (which was then projected to occur on August 1, 2025), C51, the People filed a petition to deny defendant pretrial release on the new charges, C60-63. On July 23, 2025, defendant moved to strike the petition as untimely under section 110-6.1(c)(1) of the Code of Criminal Procedure (Code), 725 ILCS 5/110-6.1(c)(1). C76-77. Defendant argued that the petition should be stricken because the People were required to file it within 21 days of his first appearance on January 16, 2025. *Id.*

At a hearing on the motion to strike, defendant conceded that he had never been arrested on the indictment but argued that the People were required to file their petition within 21 days of his initial court appearance on January 16, 2025. R4-7. The People responded that section 110-6.1(c)(1)'s 21-day period had not begun to run because defendant was never arrested or released on the new charges. R9. Alternatively, the People argued that section 110-6.1(c)(1)'s time limit is directory. R10.

The trial court denied defendant's motion to strike, holding that section 110-6.1(c)(1)'s timeliness requirement is directory, and defendant was not prejudiced by the delay. *See* R17.

At the hearing on the petition, the People argued that defendant posed a threat to his victim and the community, relying on transcripts from the grand jury proceedings. R19-20. The grand jury testimony revealed that defendant had moved in with his former girlfriend's adult granddaughter and the girlfriend's ten-year-old great-granddaughter upon being released on MSR for the drug induced homicide and delivery of a controlled substance convictions. E5-6. Defendant repeatedly sexually abused the girl and threatened that she would be "taken away" if she told anyone about his abuse. E7-9. The People also relied on defendant's lengthy criminal history, which, in addition to the offenses for which he was then in custody, includes convictions for unlawful possession of a controlled substance, felony retail theft, felon in possession of a weapon, and murder. R20. The court granted the People's petition to deny pretrial release and ordered defendant detained pending trial. R27; C85.

Defendant filed an unsuccessful motion for relief from the trial court's order, repeating his arguments that the People's petition was untimely. C93-95.

II. Appellate Court Proceedings

On appeal, defendant argued that the People's petition to deny pretrial release was untimely under section 110-6.1(c)(1) and that the People had

failed to prove by clear and convincing evidence that he should be detained pending trial. A5-6, ¶ 1.² The appellate court affirmed. *Id.* The court agreed that the People’s petition was untimely, reasoning that section 110-6.1(c)(1)’s 21-day time limitation began running on defendant’s “release back into IDOC custody” following his January 16, 2025 first appearance on the new charges. A17-18, ¶ 35. The court recognized that defendant “was never formally arrested” but reasoned that he was “writted back from prison into the trial court, appeared before the court on the current charges, and was arraigned on the charges in this matter” before being returned to prison and that when the People did not petition for his detention at that initial appearance, “this constituted his release.” A17, ¶ 35. Because the People did not file their petition within 21 days of this “release,” the court reasoned, the petition was untimely. *Id.*

The appellate court nonetheless declined to grant defendant relief. Relying on *People v. Cooper*, 2025 IL 130946, the court held that section 110-6.1(c)(1)’s timing requirement is directory. A18-21, ¶¶ 37-44. Further finding that defendant failed to establish any prejudice from the untimely filing of the petition, the appellate court affirmed the denial of defendant’s motion to strike the People’s petition to deny pretrial release. A22, ¶¶ 46-47.

² Defendant has abandoned his claim that the People failed to support their petition with clear and convincing evidence. *See* Def. Br. 1. Consequently, he forfeited the issue. Ill. S. Ct. R. 341(h)(7); *see also* Ill. S. Ct. R. 612(b)(9) (applying Rule 341 to criminal cases).

Finally, the court affirmed defendant's detention, finding that he poses a threat to his minor victim and the community. A26, ¶ 58.

STANDARD OF REVIEW

Issues of statutory construction are reviewed de novo, *People v. Clark*, 2024 IL 130364, ¶ 15, including whether a statute is mandatory or directory, *People v. Geiler*, 2016 IL 119095, ¶ 17.

ARGUMENT

I. The Petition to Deny Pretrial Release Was Timely Because Defendant Was Neither Arrested nor Released on the New Charges.

The People's petition to deny pretrial release was timely under the plain language of section 110-6.1(c) because he was neither arrested nor released on the relevant charges, and consequently, the statute's 21-day time limit never began to run.

The Pretrial Fairness Act was enacted to "reform pretrial practices by eliminating cash bail" to ensure that defendants who do not pose a threat to the community or risk of flight are not detained due to their indigency. *People v. Cooper*, 2025 IL 130946, ¶ 37; *see also* 725 ILCS 5/110-2(e). All defendants are presumed eligible for release unless the People prove that those charged with detainable offenses pose a threat to others or a flight risk. *See* 725 ILCS 5/110-6.1(e).

Detention proceedings begin when the People file a petition to deny pretrial release. 725 ILCS 5/110-6.1(a). The statute grants the People two opportunities to file the petition. *See* 725 ILCS 5/110-6.1(c)(1). The People

may file the petition either “without prior notice to the defendant at the first appearance before a judge, *or* within the 21 calendar days. . . after arrest and release of the defendant upon reasonable notice to defendant.” *Id.* (emphasis added). Here, because defendant was neither arrested on nor released from custody on the instant charges, the 21-day period never began to run, and the People’s petition was timely.

Familiar canons of statutory construction guide this Court’s analysis. In construing section 110-6.1(c)(1)’s timing requirements, this Court’s “primary goal is to ascertain and give effect to the intent of the legislature.” *People v. Grant*, 2022 IL 126824, ¶ 24. The most reliable evidence of that intent “is the language of the statute itself, which must be given its plain and ordinary meaning.” *Id.* Where the plain language is unambiguous, “courts may not depart from the statute’s terms, nor construe the statute other than by its plain language.” *Id.* (citations omitted). A court may not “under the guise of construction, ‘correct’ a perceived error or oversight by the legislature.” *Id.* ¶ 25. Consequently, a court may not add to the statute by supplying new “exceptions, limitations, or conditions” not found therein, *id.*, and may not subtract from the statute’s language by interpreting it in a fashion that renders any of its words or phrases superfluous, *People v. Reed*, 2025 IL 130595, ¶ 25.

Further, it is a “fundamental rule of statutory interpretation that all the provisions of a statute must be viewed as a whole,” and thus different

provisions of a statute “will be considered with reference to one another to give them harmonious effect.” *People v. McCarty*, 223 Ill. 2d 109, 133 (2006). Finally, statutory language must be construed to avoid absurd and unintended results. *People v. Davidson*, 2023 IL 127538, ¶ 18.

Applying these canons here, under the statute’s plain language, the People could file a petition to detain within 21 days after defendant’s “arrest and release” on the instant charges. And here, the People filed their petition well before that deadline because — as the appellate court noted, A17, ¶ 35, and defendant conceded in the trial court, R4-7 — he was never “arrest[ed]” on the instant charges. Instead, he remained in continuous IDOC custody on his prior convictions.

Section 110-6.1(c)(1) expressly provides that the 21-day window begins “after arrest *and* release.” 725 ILCS 5/110-6.1(c)(1) (emphasis added). The use of the word “and” between two terms (here, arrest and release) is generally considered to be conjunctive in nature and indicates that both elements must be satisfied. *County of DuPage v. Illinois Lab. Rels. Bd.*, 231 Ill. 2d 593, 606 (2008). “Arrest” is defined as “[t]he taking or keeping of a person in custody by legal authority, esp. in response to a criminal charge,” and specifically, “the apprehension of someone for the purpose of securing the administration of the law.” *Arrest*, Black’s Law Dictionary (12th ed. 2024); *see also People v. Davison*, 233 Ill. 2d 30, 40 (2009) (“When the statute contains undefined terms, it is entirely appropriate to employ a dictionary to

ascertain the plain and ordinary meaning of those terms.”) Here, defendant was not taken into custody in response to the criminal charges in this case, for he was in IDOC custody on his prior convictions.

The appellate court recognized that defendant “was never formally arrested” on the new charges, but reasoned that he was “arraigned on the charges in this matter” and was then returned to prison, which “constituted his release.” A17, ¶ 35. This was error, as the plain language of the statutory timing provision turns on an “arrest,” not an arraignment.

Nor was defendant “release[d]” under the plain and ordinary meaning of the word. Black’s Law Dictionary defines “release,” in relevant part, as “[t]he action of freeing or the fact of being freed from restraint or confinement.” *Release*, Black’s Law Dictionary (12th ed. 2024). Similarly, Merriam-Webster defines “release,” in relevant part, as “the act or an instance of liberating or freeing (as from restraint).” *Release*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/release> (last visited April 20, 2026). At no point was defendant freed from restraint or confinement. At all times from defendant’s charging until the filing of the People’s petition to detain (and beyond), he remained in IDOC custody on the prior convictions. *See People v. Hatch*, 110 Ill. App. 3d 531, 533-36 (2d Dist. 1982) (writ to bring defendant in Kane County’s custody to Du Page County court did not interrupt Kane County’s custody of defendant). While it is true that defendant was brought to court on a writ of habeas corpus to prosecute

him for the sexual assault and abuse charges and then returned to prison thereafter, the mere movement of an individual in IDOC custody does not constitute a release under the ordinary meaning of the word. Whether in court or returned to prison, defendant was not free. Consequently, because defendant was neither arrested nor released on the new charges, the 21-day time limit never began to run under the plain language of section 110-6.1(c).

Deviating from this plain language construction of the statute, as the appellate court did, would lead to absurd results. Under the appellate court's reading of section 110-6.1(c), where dangerous defendants are already incarcerated on a prior offense, the People must petition to detain the incarcerated defendants within 21 days after they are returned to prison following an initial appearance on the new charges, lest they risk losing the ability to detain the defendant should his unrelated detention come to an end after those 21 days have passed. The trial court is then required to hold a hearing on the petition within 48 hours, 725 ILCS 5/110-6.1(c)(2), despite the fact that the court's findings will have no immediate effect on the defendant's custodial status, i.e., he will remain in prison on the prior charges until he has served the incarceration portion of his sentence. In such circumstances, an order to detain the defendant would be superfluous because he is already in IDOC custody on the prior conviction, and should the court find the People have failed to meet their burden, the defendant remains detained anyway because the Pretrial Fairness Act does not authorize the court to vacate a

lawful sentence from a separate case, *see generally*, 725 ILCS 5/110-1, *et. seq.*

In sum, because defendant was already lawfully detained in IDOC on an unrelated conviction when he was charged with a new detainable offense, he was neither arrested nor released, within the meaning of section 110-6.1(c), when he was returned to prison following his initial appearance on the new charges. Consequently, the 21-day deadline for filing a petition to deny pretrial release had not yet begun to run, and the People's petition was timely.

II. Alternatively, Section 110-6.1(c)(1) Is Directory and Defendant Cannot Establish Prejudice.

Even if the petition to deny pretrial release was untimely, the consequence of such an error would not be the striking of the petition because section 110-6.1(c)(1)'s timing requirement is directory and defendant cannot show prejudice. If a statutory timing requirement has been violated, a court must determine the consequence of the violation. *Cooper*, 2025 IL 130946, ¶ 29. That determination turns on whether the rule is “mandatory” or “directory.” *Id.* A mandatory rule's underlying intent “dictates a particular consequence for failure to comply with the provision.” *People v. Delvillar*, 235 Ill. 2d 507, 514 (2009). Conversely, a directory rule carries “no specific consequence [that] is triggered by the failure to comply.” *Id.* at 515. If the rule is directory, then “no remedy is automatic, [and] a defendant must show that its violation resulted in prejudice.” *Cooper*, 2025 IL 130946, ¶ 32.

A. Section 110-6.1(c)(1)’s timing requirements are directory.

Procedural commands to a government official are presumed to be directory, “meaning that the failure to comply with a particular procedural step does not invalidate the governmental action to which the procedural requirement relates.” *Id.* ¶ 33. This presumption is overcome only if “(1) negative language in the statute or rule prohibits further action in the case of noncompliance or (2) the right the statute or rule is designed to protect would generally be injured under a directory reading.” *Id.* (quoting *Geiler*, 2016 IL 119095, ¶ 17).

Here, as defendant concedes, Def. Br. 10, the statute provides no consequence for failure to comply with section 110-6.1(c)(1)’s timing requirement, *see* 725 ILCS 5/110-6.1. That is, it does not specify that the failure to comply with the timing requirement requires striking or dismissal of the People’s petition, defendant’s release, or any other consequence, as would render the rule mandatory. *See, e.g., In re M.I.*, 2013 IL 113776, ¶ 20 (deeming 60-day requirement for holding hearing on extended juvenile jurisdiction directory where statute did not prohibit late hearing or compel dismissal of motion if time limit breached). Consequently, the absence of any such language demonstrates that the time limit is intended to be directory, rather than mandatory. *See Cooper*, 2025 IL 130946, ¶ 34.

Nor is a “mandatory” reading of the rule required on the principle that any violation of the rule would injure the rights the rule is designed to protect. As the appellate court recognized, this Court’s opinion in *Cooper* is

instructive on this point. *See* A18-21, ¶¶ 38-44. There, the Court considered section 110-6.1(c)(2)’s requirement that, following the filing of a petition to deny pretrial release, a detention hearing must be held within 48 hours of a defendant’s first appearance. *Cooper*, 2025 IL 130946, ¶ 28. In deeming that timing requirement directory, the Court noted that “[t]he Pretrial Fairness Act aims to reform pretrial practices by eliminating cash bail and focusing on individualized assessments to ensure both public safety and fair outcomes, while ensuring that defendants are released pretrial unless there is clear and convincing evidence that they pose a risk of flight or a threat to others.” *Id.* ¶ 37. Thus, the statute balances both the rights of defendant and the interests of the community. *Id.* ¶ 38.

The Court reasoned that a mandatory construction of the 48-hour timing requirement would “allow[] for mandatory release of dangerous persons charged with qualifying felonies without regard to public safety, even when the delay is minor,” in derogation of the statute’s dual purposes. *Id.* ¶ 39. Conversely, reading the 48-hour requirement to be “directory properly balances the dual purposes of the statute, encouraging prompt hearings while protecting victims and the community from the release of defendants whom State can prove should be subject to detention.” *Id.* Thus, the Court held that the 48-hour requirement was directory. *Id.* ¶ 40.

The same reasoning applies to defendant’s challenge to the timing provision in section 110-6.1(c)(1). Indeed, defendant offers no reason to

construe the two similarly worded timing provisions within section 110-6.1(c) differently. As with section 110-6.1(c)(2) in *Cooper*, a mandatory reading of section 110-6.1(c)(1) would frustrate the statute’s goal of protecting the public by requiring the release “of dangerous persons charged with qualifying felonies without regard to public safety, even when the delay is minor.” *See Cooper*, 2025 IL 130946, ¶ 39. A mandatory reading would ignore that “courts *always* have the obligation to consider the danger that a defendant poses to others and the community when deciding whether pretrial release is appropriate.” *See id.* ¶ 38 (emphasis in original). Conversely, reading section 110-6.1(c)(1) as directory properly balances the dual purposes of the pretrial detention statute, encouraging the People to act promptly while protecting victims and the community from the release of defendants whom the People can prove should be detained.

Nor does a directory reading harm the statute’s other purpose of ensuring that all defendants, including the indigent, are released pretrial unless there is clear and convincing evidence that they pose a risk of flight or a threat to others. *See id.* ¶ 37. Such a reading does not relieve the People of their duty to prove that the defendant poses a real and present threat to the safety of another or the community and that no conditions could mitigate his dangerousness. *See People v. Morgan*, 2025 IL 130626, ¶ 24. At most, an untimely petition provides an otherwise detainable individual with additional time at liberty.

The desire of a defendant at liberty for certainty does not render section 110-6.1(c)(1) mandatory, contrary to defendant's suggestion otherwise. *See* Def. Br. 12-13.³ *Cooper* found that a defendant's detention, prolonged past section 110-6.1(c)(2)'s 48-hour window, did not undermine the Pretrial Fairness Act's goals such that a mandatory reading of the timing requirement was necessary. 2025 IL 130946, ¶¶ 36-40. It is unclear then how a defendant's mere "uncertainty" over the prospect of future potential detention could upset the statute's purpose where actual detention does not. Moreover, a mandatory reading of section 110-6.1(c)(1) would not abate the nebulous prejudice defendant alleges may stem from a defendant's possible fear of future detention. For one, even a defendant who is granted pretrial release is not guaranteed their continued liberty. The People may file a petition to detain the defendant based on facts not previously known, 725 ILCS 5/110-6.1(d)(2); the trial court may revoke release if the defendant commits a Class A misdemeanor or felony, 725 ILCS 5/110-6(a); or the court may order the defendant imprisoned for up to 30 days for a violation of the conditions of release, 725 ILCS 5/110-6(f)(2). Additionally, any concern that

³ Defendant cites *In re M.I.*, 2013 IL 113776, for the proposition that "[t]he timely-filing requirement serves to protect a defendant's interest in avoiding an ongoing 'state of uncertainty' regarding their detention status prior to trial[.]" Def. Br. 12 (quoting *In re M.I.*, 2013 IL 113776, ¶ 25). But *In re M.I.* concerned the 60-day deadline for holding a hearing on extended juvenile jurisdiction, not any timing requirement under the Pretrial Fairness Act. *See generally* 2013 IL 113776. Moreover, the quoted language is taken not from this Court's holding, but from its identification of M.I.'s argument, which the Court rejected. *See id.* ¶ 25.

the People might ultimately file a late detention petition is outweighed by the far more weighty concerns and pressures inherent in a criminal trial, including the possibility that the defendant could be convicted and receive a significant prison term.

Nor would a directory reading encourage inaction or misconduct by the People. *See* Def. Br. 13-14 (arguing that a mandatory reading is necessary to incentivize the People to petition to detain dangerous or flight-prone individuals and to prevent abusive litigation tactics). The fact that an individual is dangerous or flight-prone is alone sufficient incentive for the People to seek that individual's detention expeditiously to prevent further crimes or flight. Such motivation is evident in defendant's own case, where his impending release from IDOC into the community prompted the People's petition to deny pretrial release on the new charges. And it is unclear how a directory reading would encourage abusive litigation tactics; regardless of when the People file their petition to deny pretrial release, they still must carry their burden to prove that the defendant is dangerous or a flight risk. *See Morgan*, 2025 IL 130626, ¶ 24. Thus, the People could not have a defendant detained as retaliation for his filing a motion or for rejecting a plea deal, contrary to defendant's argument. *See* Def. Br. 14.

Finally, defendant's attempt to favorably compare section 110-6.1(c)(1) to statutes of limitation does not support a mandatory reading. As defendant notes, "[s]tatutes of limitations are generally written to be *explicitly*

mandatory.” *Id.* at 17 n.2 (emphasis in original); *see, e.g.*, 725 ILCS 5/114-1(a)(2) (providing for dismissal of charges that violate statute of limitations). That statutes of limitation provide consequences for noncompliance is merely evidence that the General Assembly knows how to render time limitations mandatory when it wants to do so, and that it presumably chose not to do so in section 110-6.1(c)(1). *See People v. Hunter*, 2017 IL 121306, ¶ 48 (where the legislature uses different language, it intends different results); *see also Cooper*, 2025 IL 130946, ¶ 34 (deeming lack of an express consequence a strong indication that the General Assembly did *not* intend statutory requirement to be mandatory).

Moreover, the distinction between statutes of limitation and the timing requirements of section 110-6.1(c) is clear. Statutes of limitation protect defendants from prosecution after the evidence has gone “stale” or exculpatory evidence has been lost due to the passage of time. *See People v. Shinaul*, 2017 IL 120162, ¶ 17. No such danger exists with petitions to deny pretrial release where the question is not what occurred in the past, but defendant’s status at present. As noted, the only real consequence of the People filing a meritorious petition more than 21 days after a defendant’s arrest and release is that the defendant subject to detention enjoyed extra days of freedom. And if the People do not carry their burden and the defendant remains released, then the only consequence is that defense

counsel responded to a routine motion while the defendant personally saw minimal effects.

In sum, a directory reading of section 110-6.1(c)(1) is necessary to preserve the Pretrial Fairness Act's goal of protecting the public from dangerous defendants and does not harm any right of any defendant. Accordingly, the appellate court correctly held section 110-6.1(c)(1) is directory.

B. Defendant was not prejudiced by any delay in filing the petition to deny pretrial release.

Because section 110-6.1(c)(1) is directory, defendant is entitled to relief only if he can establish that he was prejudiced by the timing of the People's petition to deny pretrial release. *See Cooper*, 2025 IL 130946, ¶ 32. He fails to carry that burden.

Indeed, defendant has forfeited any argument that he was prejudiced by the timing of the People's petition because he did not argue that he was prejudiced in his petition for leave to appeal or in his opening brief. *People v. Clark*, 2024 IL 127838, ¶ 64 (issues not raised in petition for leave to appeal are forfeited); *Vancura v. Katris*, 238 Ill. 2d 352, 369 (2010) ("failure to argue a point in the appellant's opening brief results in forfeiture of the issue").

Forfeiture aside, defendant cannot establish any prejudice from the timing of the People's petition to deny pretrial release. The only potential prejudice defendant has identified is a defendant's "state of uncertainty" regarding their pretrial detention status prior to trial that might interfere

with the defendant's life and trial preparation. Def. Br. 12. But even if such uncertainty could be deemed to prejudice some future defendant, it could not have affected this defendant, because he was already certain of his detention status: he was imprisoned on an unrelated matter, and the question of whether he would be detained on the new charges carried no practical consequence, at least until that imprisonment concluded. Consequently, defendant was not prejudiced by the fact that the People filed their petition months before his projected release from prison.

CONCLUSION

This Court should affirm the appellate court's judgment.

April 20, 2026

Respectfully submitted,

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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) table of contents and 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 19 pages.

/s/ Nicholas Moeller
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CERTIFICATE OF FILING AND SERVICE

Under penalties as provided by law pursuant to 735 ILCS 5/1-109, the undersigned certifies that the statements set forth in this instrument are true and correct. On April 20, 2026, the foregoing **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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