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

No. 132129

IN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. JIMMIE MARSHALL, Defendant-Appellant.	)))))))))))	Appeal from the Appellate Court of Illinois, Fourth District, No. 4-25-0426 There on Appeal from the Circuit Court for the Eleventh Judicial Circuit, Livingston County, Illinois, No. 2025 CF 73 The Honorable Jennifer H. Bauknecht, Judge Presiding.

BRIEF OF PLAINTIFF-APPELLEE PEOPLE OF THE STATE OF ILLINOIS

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POINTS & AUTHORITIES

NATURE OF THE ACTION

After defendant was charged with aggravated battery causing great bodily harm to a peace officer, the trial court granted the People's petition for defendant's pretrial detention and denied his subsequent motion for relief. The appellate court affirmed the trial court's pretrial detention order, which defendant appeals. No issue is raised on the charging document.

ISSUES PRESENTED FOR REVIEW

On appeal from the trial court's pretrial detention order, defendant argued an issue that he omitted from his motion for relief in the trial court. *See* A7 ¶ 15; C13-15.[1] The appellate court held that the omitted issue was waived under Supreme Court Rule 604(h)(2), declined to review the waived issue either for plain error or as ineffective assistance of counsel, and affirmed the detention order. *See* A7-8. Soon after, defendant pleaded guilty and was released from custody on probation. Def. Br. 5-6. The issues presented are:

1. whether this Court should dismiss this appeal because it is moot, or

2. alternatively, whether this Court should affirm the appellate court's judgment because

[1] "C" denotes the common law record; "R" the report of proceedings; "Def. Br." defendant's opening brief; and "A" defendant's appendix.

(a) Rule 604(h)(2) provides that any issue not raised in a motion for relief "shall be deemed waived" (rather than forfeited) on appeal;

(b) waiver of the omitted issue precludes plain-error review; and

(c) defendant cannot establish ineffective assistance of pretrial counsel to obtain review of the waived issue.

JURISDICTION

Jurisdiction lies under Supreme Court Rules 315(a) and 604(a). This Court allowed defendant's petition for leave to appeal on September 29, 2025.

RULES INVOLVED

Supreme Court Rule 604(h)(2) (eff. Apr. 15, 2024)

> *Motion for Relief*. As a prerequisite to appeal, the party taking the appeal shall first present to the trial court a written motion requesting the same relief to be sought on appeal and the grounds for such relief. The trial court shall promptly hear and decide the motion for relief. Upon appeal, any issue not raised in the motion for relief, other than errors occurring for the first time at the hearing on the motion for relief, shall be deemed waived.

Supreme Court Rule 605(d)(1) (eff. Apr. 15, 2024)

> [A]t the time of issuing the order [granting the petition to deny pretrial release], the circuit court shall advise the defendant substantially as follows: that defendant has a right to file a motion for relief from the court's order and also that the court will revisit the order of detention or the condition of pretrial release at each subsequent court appearance, regardless of whether a motion for relief is filed[.]

STATEMENT OF FACTS

The People charged defendant with aggravated battery causing great bodily harm to a peace officer in violation of 720 ILCS 5/12-3.05(a)(3)(i), C6, and petitioned for his pretrial detention, C7; R5. At the hearing on the petition, the People proffered that after arguing on the phone with Livingston County Sheriff's Department Sergeant Andy Rork, defendant drove to the station, where he continued arguing with Rork in person. R3-4. Defendant left in frustration, called 911 from the parking lot, and told the dispatcher that "someone better come talk to him before he blows up and takes matters into his own hands." R4-5. Rork came out and advised defendant that he was being arrested for making threatening comments and calling 911 when there was no emergency. R5. Defendant resisted, and when Rork tried again to arrest him, defendant repeatedly punched Rork in the face and broke Rork's nose. *Id.*

The trial court granted the petition for pretrial detention. C8; R17-18. It further admonished defendant pursuant to Supreme Court Rule 605(d)(1) that he had "the right to file a motion for relief from [the] Court's order" and that the court would "also revisit any order of detention or conditions of pretrial release at each subsequent appearance, . . . regardless of whether a motion for relief is filed." R19.

Defense counsel filed a motion for relief arguing that the People had failed to satisfy the third requirement for pretrial detention, i.e., that no condition or combination of conditions of pretrial release could mitigate the

threat defendant posed to the community. C13-15. The trial court denied the motion, R23-26, and defendant appealed, C20-21.

In his Rule 604(h)(7) supplemental memorandum on appeal, defendant renewed his challenge to the third requirement and argued for the first time that the People had failed to prove he had committed a detainable offense. A3 ¶ 2. Defendant conceded that he did not raise the latter issue in his motion for relief but argued that he could overcome that failure under the plain-error doctrine or by showing ineffective assistance of counsel. A7 ¶ 15.

The appellate court affirmed. A3 ¶ 2. As relevant here, the court followed *People v. Nettles*, 2024 IL App (4th) 240962, ¶¶ 24-36, and held that defendant had waived the detainable-offense issue by not raising it in his motion for relief as Rule 604(h)(2) requires, and that neither plain-error review nor ineffective assistance of counsel could excuse the waiver. A8 ¶ 15.

While defendant's PLA was pending in this Court, he pleaded guilty to aggravated battery of a peace officer under 720 ILCS 5/12-3.05(d)(4) and was sentenced to probation. Def. Br. 5-6.

STANDARD OF REVIEW

The construction of Supreme Court Rules is a question of law reviewed de novo. *People v. English*, 2023 IL 128077, ¶ 13.

ARGUMENT

This appeal is moot — indeed, it was moot before this Court allowed defendant's PLA — and the public interest exception to mootness does not apply. The law governing the issues presented is not in disarray, for there is

no appellate court conflict on the answers to these questions. Nor are the issues of a substantial public nature or likely to recur, such that this Court's intervention is necessary. Accordingly, the Court should dismiss this appeal as moot.

Should the Court conclude that the public interest exception applies, however, it should affirm the appellate court's judgment because defendant waived the alleged error in the trial court's pretrial detention order by omitting it from his motion for relief. Rule 604(h)(2) states that issues not raised in a motion for relief "shall be deemed waived," not forfeited. Thus, plain-error review is unavailable. In addition, defendant could not claim ineffective assistance of counsel to bypass the waiver because the trial court's detention order remained open to challenge at any time before conviction.

I. This Appeal Should Be Dismissed as Moot.

It is undisputed that defendant's guilty plea and sentence render his challenge to the trial court's pretrial detention order moot, as he is no longer detained under that order. *See* Def. Br. 39. And because defendant fails to show that the narrow public interest exception to mootness applies here, *see People v. Seymore*, 2025 IL 131564, ¶ 33, the Court should dismiss his appeal.

This Court generally "do[es] not decide moot questions, render advisory opinions, or consider issues where the result will not be affected regardless of how those issues are decided." *In re Alfred H.H.*, 233 Ill. 2d 345, 351 (2009). Nor does this Court "'review cases merely to set precedent or guide future litigation.'" *Id.* at 353 (quoting *Berlin v. Sarah Bush Lincoln Health Ctr.*, 179

Ill. 2d 1, 8 (1997)). Although "[t]he public interest exception permits review of an otherwise moot question when 'the magnitude or immediacy of the interests involved warrant action by the court,'" this exception is "narrow." *Seymore*, 2025 IL 131564, ¶ 33 (quoting *Commonwealth Edison Co. v. Ill. Com. Comm'n*, 2016 IL 118129, ¶ 12). It applies "only when there has been a clear showing that (1) the question is substantial and important to the public, . . . (2) an answer to the question will provide authoritative guidance for state and local government officials, and (3) the question is likely to recur." *Id.*

Defendant is incorrect that the plain-error and ineffective-assistance-of-counsel issues he presents satisfy these criteria. *See* Def. Br. 40. Setting aside for the moment that these issues are not of a substantial nature, *see infra* at 11, no authoritative determination is needed for future guidance because the law is settled as to both. *See Seymore*, 2025 IL 131564, ¶ 33 ("In considering whether an answer to the question will provide authoritative guidance to state and local officials, this court looks to whether the law is in disarray or conflicting precedent exists.") (citing *Commonwealth Edison*, 2016 IL 118129, ¶ 16); *accord In re Shelby R.*, 2013 IL 114994, ¶ 19.

First, on the plain-error issue, this Court has already determined that when its rules say "waived," they do not mean "forfeited," *see People v. Ratliff*, 2024 IL 129356, ¶ 23 n.2, and, following *Ratliff*, the appellate court has consistently applied this construction to Rule 604(h)(2). Rule 604(h)(2) provides that any issue not raised in a motion for relief in the trial court

"shall be deemed waived" on appeal. Ill. S. Ct. R. 604(h)(2). The question defendant presents is whether the phrase "shall be deemed waived" means "waived" (such that plain-error review of the omitted issue is unavailable) or "forfeited" (such that plain-error review may be available). But the answer to that question is settled. *Ratliff* held that identical language in Rule 604(d) is "unmistakably clear" that "[a]ny issue not raised in a posttrial motion is 'waived' on appeal," and plain-error review is unavailable for the waived issue. 2024 IL 129356, ¶¶ 23, 26, 28; *see also People v. Marcum*, 2024 IL 128687, ¶¶ 34-41 (failure to timely assert speedy-trial right results in "waiver" and precludes plain-error review). In doing so, *Ratliff* held that this Court's prior statement in *People v. Sophanavong*, 2020 IL 124337, ¶ 22 n.1 — that issues not raised in a post-judgment motion to withdraw a guilty plea or reconsider a sentence following a guilty plea are "forfeited" rather than "waived" — was incorrect. 2024 IL 129356, ¶ 23 n.2.

Since *Ratliff*, this Court has reaffirmed that the current text of Rule 604(h)(2) imposes a "stricter preservation requirement" than an earlier version. *People v. Watkins-Romaine*, 2025 IL 130618, ¶ 27 n.3 (rule's former version required only that the defendant's notice of appeal "'describe the relief requested and the grounds for the relief requested'") (quoting Ill. S. Ct. R. 604(h)(2) (eff. Dec. 7, 2023)); *see also People v. Jackson*, 2025 IL App (4th) 241411-U, ¶ 19 (citing *Watkins-Romaine* as having recognized that *Ratliff* reaffirmed that this Court's express use of "waiver" in its rules does not mean

forfeiture). And the appellate court has applied Rule 604(h)(2) as written and in a manner consistent with *Ratliff* and *Watkins-Romaine*. *See People v. Burries*, 2025 IL App (5th) 241033, ¶ 29; *People v. Romero*, 2025 IL App (2d) 240581-U, ¶ 26; *Jackson*, 2025 IL App (4th) 241411-U, ¶ 21; *People v. Peoples*, 2025 IL App (4th) 241349-U, ¶ 25; *People v. Carlton*, 2025 IL App (5th) 241245-U, ¶ 27; *People v. Thomas*, 2024 IL App (1st) 241846-U; *see generally People v. Shunick*, 2024 IL 129244, ¶ 22 (Court interprets rules in same manner as statutes); *McMahan v. Indus. Comm'n*, 183 Ill. 2d 499, 513 (1998) ("[u]nder basic rules of statutory construction, where the same words appear in different parts of the same statute, they should be given the same meaning"). In sum, the plain-error issue is well settled, and no further guidance is necessary.

Defendant's contention that the appellate court is divided on this question, *see* Def. Br. 41, ignores that two of his cited cases construing "waived" as "forfeited" and applying plain-error review preceded *Ratliff*. *See People v. Pederson*, 2024 IL App (2d) 240441-U, ¶¶ 15-18 (issued one week before *Ratliff* and deeming issue "waived" but amenable to plain-error review); *People v. Drew*, 2024 IL App (5th) 240697, ¶ 23 n.2 (issued two months before *Ratliff* and citing *Sophanavong* to construe "waived" to mean "forfeited"). But following *Ratliff*, all districts of the appellate court have held that Rule 604(h)(2)'s use of the word "waived" is unambiguous and forecloses plain-error review. *See, e.g.*, *Burries*, 2025 IL App (5th) 241033,

¶¶ 27-30 (claim omitted from motion for relief was waived, foreclosing plain-error review); *People v. Patterson*, 2025 IL App (1st) 250510, ¶¶ 22-25 (same); *People v. Davis*, 2024 IL App (1st) 241747, ¶ 38 (same); *Romero*, 2025 IL App (2d) 240581-U, ¶¶ 24-26 (same); *People v. Sample*, 2025 IL App (3d) 250302-U, ¶ 10 (same); *People v. Jackson*, 2024 IL App (3d) 240479-U, ¶¶ 10-13 (same); *Jackson*, 2025 IL App (4th) 241411-U, ¶ 18 (same).

Defendant's single citation to a nonprecedential order issued after *Ratliff* fails to establish disagreement, much less that the law is in such disarray that the Court's guidance is necessary. *See* Def. Br. 41 (citing *People v. Collins*, 2025 IL App (2d) 240734-U, ¶ 14). *Collins* reviewed for plain error an issue that "[d]efendant concede[d] that trial counsel failed to preserve." 2025 IL App (2d) 240734-U, ¶ 11. But *Collins* neither described the contents of the motion for relief nor stated that the failure to preserve arose from counsel's failure to include the issue in that motion, rather than from counsel's failure to raise it at his detention hearing. *Id.* ¶¶ 7-9, 11-13. Indeed, *Collins* did not consider the waiver question at all. *See id.* ¶¶ 11-33. And since *Collins*, the Second District has consistently reaffirmed that under Rule 604(h)(2), issues not raised in a motion for relief are waived rather than forfeited and thus not subject to plain-error review. *See, e.g.*, *People v. Glass*, 2025 IL App (2d) 250103-U, ¶ 28 n.2 (noting express waiver language of Rule 604(h)(2)); *People v. Perez*, 2025 IL App (2d) 240752-U, ¶ 22 (same); *People v. Glover*, 2025 IL App (2d) 240769-U, ¶ 21 (citing *Romero*, 2025 IL App (2d)

240581-U, ¶ 24) (omitted issue waived, not forfeited, so plain-error review was unavailable). Accordingly, the meaning of Rule 604(h)(2)'s waiver language is well settled.

Nor is defendant correct that the law is in disarray on the ineffective-assistance issue. No appellate court decision has held that a defendant may obtain review of an unpreserved challenge to a pretrial detention order by claiming ineffective assistance of counsel. Rather, the appellate court has consistently held that defendants *cannot* prevail in these circumstances on *Strickland*'s prejudice prong because the trial court's pretrial detention decision remains open to challenge at any time before conviction. *See People v. Nettles*, 2024 IL App (4th) 240962, ¶ 25 (no prejudice where "[t]he detention decision is not closed" because "it must be revisited at every subsequent court date"); *see also People v. Claver*, 2025 IL App (1st) 251041-U, ¶¶ 67-68 (agreeing with *Nettles*); *People v. Luebke*, 2025 IL App (5th) 241208-U, ¶¶ 34-35 (no prejudice); *Collins*, 2025 IL App (2d) 240734-U, ¶¶ 29-31 (no prejudice and record insufficient to show deficient performance); *Romero*, 2025 IL App (2d) 240581-U, ¶¶ 28-30 (no prejudice); *Pederson*, 2024 IL App (2d) 240441-U, ¶¶ 22-26 (no prejudice and record insufficient to show deficient performance). Defendant ignores this consensus and merely disagrees with the appellate court's resolution of the issue. *See* Def. Br. 41-42.

In short, there is no conflicting precedent on the plain-error and ineffective-assistance-of-counsel issues, and the law is not in disarray, so the public interest exception to mootness does not apply. *See Commonwealth Edison Co.*, 2016 IL 118129, ¶¶ 16-21 (declining to invoke public interest exception when "no conflict or disarray in the law exists"); *Alfred H.H.*, 233 Ill. 2d at 357-58 (same). And although defendant's failure to establish the public interest exception's second criterion is dispositive, *see Alfred H.H.*, 233 Ill. 2d at 351 (invoking exception "requires a clear showing of each criterion"), defendant also fails to satisfy the two remaining criteria: that the plain-error and ineffective-assistance-of-counsel issues are of a substantial public nature and are likely to recur, *see Seymore*, 2025 IL 131564, ¶ 33.

To begin, these issues are not "of sufficient breadth" and will not have "a significant effect on the public as a whole, so as to satisfy the substantial public nature criterion." *Alfred H.H.*, 233 Ill. 2d at 357. Whether defendant could show either plain error or ineffective assistance of counsel depends on the particular facts of his case, *see* Def. Br. 19-20 (arguing that clear error occurred during defendant's pretrial detention hearing); *id.* at 31 n.6 (acknowledging that whether defendant proved prejudice from counsel's alleged error depends on facts of his case), so neither of these issues is of a substantial public nature, *see Alfred H.H.*, 233 Ill. 2d at 356-57 (fact-specific claims are not issues of a substantial public nature). Nor do the broader questions whether a reviewing court may ever consider waived issues for

plain error or as ineffective assistance of counsel satisfy this criterion. Following the elimination of cash bail, only a small subset of the public — those charged with specific offenses, *see* 725 ILCS 5/110-6.1(a)) — are eligible for pretrial detention, and only for a limited time — while charges are pending, *see, e.g.*, *In re Marriage of Eckersall*, 2015 IL 117922, ¶ 15 (question was not of a public nature when it had "limited application to a small group of people and [did] not significantly affect the public as a whole"). Accordingly, whether this small subset of pretrial detainees may obtain appellate review of waived issues through plain error or ineffective assistance of counsel is not of interest to the public as a whole.

Furthermore, these issues will recur only if a defendant fails to comply with Rule 604(h)(2)'s plain language, and the law presumes that parties will comply with the Court's rules. *See Ratliff*, 2024 IL 129356, ¶ 27 ("'[i]t is incumbent upon counsel and courts alike to follow'" this Court's rules) (quoting *People v. Wilk*, 124 Ill. 2d 93, 103 (1988)). And, as discussed, the appellate court is not split on these issues. Defendant is therefore incorrect to speculate that "defendants will continue to seek to raise issues not included in their motions for relief," Def. Br. 40, and that "issues regarding waiver, forfeiture, plain error, and ineffective assistance of counsel in the context of [pretrial] proceedings will continue to arise," *id.* at 42.

In sum, this is not a case where "'the magnitude or immediacy of the interests involved warrant[s] action by the [C]ourt.'" *Seymore*, 2025 IL

131564, ¶ 33 (quoting *Commonwealth Edison Co.*, 2016 IL 118129, ¶ 12). To the contrary, the law is settled and clear and, if followed, the issues are unlikely to recur. This Court need not render an advisory opinion here.

II. Alternatively, the Court Should Affirm the Appellate Court's Judgment Because Defendant Waived Appellate Review of the Underlying Issue.

Alternatively, were the Court to apply the public interest exception, it should affirm the appellate court's judgment because defendant waived the issue of whether his offense is detainable, and neither plain error nor ineffective assistance of counsel could overcome this waiver.

A. Rule 604(h)(2)'s plain language makes clear that defendant waived appellate review of the underlying issue.

Defendant waived appellate review of the underlying detainable-offense issue by failing to raise it in his motion for relief in the trial court. Rule 604(h)(2)'s plain language requires a reviewing court to deem an issue waived on appeal when that issue was not first raised in a motion for relief before the trial court. *See* Ill. S. Ct. R. 604(h)(2); *see also Ratliff*, 2024 IL 129356, ¶¶ 23 n.2, 26-28.

Principles of statutory interpretation govern this Court's interpretation of its rules. *Shunick*, 2024 IL 129244, ¶ 22; *see also* Ill. S. Ct. R. 2(a). As with statutes, the Court gives effect to a rule's intent by honoring its plain and ordinary meaning. *Shunick*, 2024 IL 129244, ¶ 22. When a rule is unambiguous, the Court will not "'read[ ] into it exceptions, limitations, or conditions [this court] did not express,'" nor "'add provisions not found in the

[rule].'" *Id.* (quoting *Rosenbach v. Six Flags Ent. Corp.*, 2019 IL 123186, ¶ 24). And where a word or phrase is used in different sections of the same rule, "the presumption is that the word [or phrase] is used with the same meaning throughout the [rule], unless a contrary . . . intent is clearly expressed." *People v. Ashley*, 2020 IL 123989, ¶ 36; *see McMahan*, 183 Ill. 2d at 513.

Rule 604(h)(2) clearly and unambiguously states that issues not raised in a motion for relief in the trial court "shall be deemed waived" on appeal. This Court has already held that the phrase "shall be deemed waived" in subsection (d) of the same rule means that issues omitted from a post-judgment motion to withdraw a guilty plea or reconsider sentence are waived, not forfeited. *See Ratliff*, 2024 IL 129356, ¶¶ 23 n.2, 26 (construing Rule 604(d)); *see also Jackson*, 2025 IL App (4th) 241411-U, ¶ 18 (recognizing that *Ratliff* reaffirmed that the rules' express use of waiver does not mean forfeiture). Thus, Rule 604(h)(2)'s identical language should be afforded the same meaning, *see McMahan*, 183 Ill. 2d at 513, and the rule interpreted to provide that issues omitted from a motion for relief are waived, not forfeited.

Indeed, nothing in Rule 604(h)(2) clearly expresses a contrary intent. Rule 604(h)(2) begins: "As a *prerequisite* to appeal, the party taking the appeal *shall* first present to the trial court a written motion requesting the same relief to be sought on appeal *and the grounds for such relief*." Ill. S. Ct. R. 604(h)(2) (emphasis added). "Prerequisite" and "shall" denote mandatory

requirements. *See People v. Dominguez*, 2012 IL 111336, ¶ 17 (interpreting "shall" as used in Rule 605(c) as mandatory obligation); *Black's Law Dictionary* (12th ed. 2024) ("prerequisite" defined as "[s]omething that is necessary before something else can take place or be done"). And "ground" is defined as "[t]he reason or point that something (as a legal claim or argument) relies on for validity." *Black's Law Dictionary* (12th ed. 2024). Accordingly, by its plain language, Rule 604(h)(2) requires a defendant who seeks relief from a pretrial detention order to first present all reasons supporting his claim(s) for relief in a written motion to the trial court before he can raise those same reasons on appeal.

Rule 604(h)(2) further states that "[u]pon appeal, any issue not raised in the motion for relief . . . shall be deemed waived." "Deem" means "[t]o treat (something) as if . . . (1) it were really something else, or (2) it has qualities that it does not have"; and "[t]o consider, think, or judge." *Black's Law Dictionary* (12th ed. 2024). It "has been traditionally considered to be a useful word when it is necessary to establish a legal fiction either positively by 'deeming' something to be what it is not or negatively by 'deeming' something not to be what it is." *Id.* (internal quotation marks and citation omitted). Thus, Rule 604(h)(2)'s use of "deemed" recognizes that although the failure to raise an issue at the proper time and place might ordinarily be insufficient to constitute waiver, *see Ratliff*, 2024 IL 129356, ¶ 26, when an issue is not raised in a motion for relief from a pretrial detention order, it is

waived on appeal. So, like Rule 604(d), Rule 604(h)(2) is "unmistakably clear" that a reviewing court must treat any issues not raised in the requisite motion in the trial court as waived rather than forfeited on appeal. *Id.*; *see also id.* ¶ 23 n.2 (abrogating *Sophanavong*, 2020 IL 124337, ¶ 22 n.1, to clarify that Rule 604(d)'s use of the word "waived" does not mean forfeited).

Subsection (h)(7) of Rule 604 further confirms this plain reading of subsection (h)(2). *See Dominguez*, 2012 IL 111336, ¶ 16 (to determine rule's plain meaning, court "considers the rule in its entirety, keeping in mind the subject it addresses and the apparent intent of the drafters in enacting it"). Rule 604(h)(7) states that "[t]he motion for relief will serve as the argument of the appellant on appeal," and that "[i]ssues raised in the motion for relief are before the appellate court regardless of whether the optional memorandum is filed." Ill. S. Ct. R. 604(h)(7). And, the subsection continues, although a defendant may file a memorandum on appeal, that memorandum "must identify which issues from the motion for relief are being advanced on appeal," and it merely "supplement[s]" the motion's arguments on the previously raised issues. *Id.*; *see also id.* ("Whether made in the motion for relief alone or as supplemented by the memorandum, the form of the appellant's arguments must contain sufficient detail to enable meaningful appellate review."). Thus, the plain language of subsection (h)(7) provides additional confirmation that appellate review is limited to those issues that were presented in the motion for relief and that issues omitted from that

motion are waived on appeal. *See Nettles*, 2024 IL App (4th) 240962, ¶ 20 ("The use of the word 'supplement' infers that something was presented in the first place. To presume otherwise would allow a party to circumvent the rules and ignore the importance of first placing the argument before the trial court.") (internal citation and quotations omitted); *Drew*, 2024 IL App (5th) 240697, ¶¶ 43-44 (same).

Accordingly, when viewed both on its own and in the context of Rule 604 as a whole, the language of Rule 604(h)(2) is unambiguous, and this Court need not resort to the rule's history to aid in its construction. *See Dominguez*, 2012 IL 111336, ¶ 16. But that history further confirms that the drafters intended to foreclose appellate review of issues not raised in a motion for relief. In March 2024, this Court's Pretrial Release Appeals Task Force recommended that "the rules regarding issue preservation [be] made explicit" and that Rule 604(h) therefore be amended to provide that "issues not raised in the motion [for relief] will not be considered on appeal." Report & Recommendations of the Ill. S. Ct. Pretrial Release Appeals Task Force 7 (Mar. 1, 2024) (hereinafter "Task Force Report").[2] The Task Force further advised that the optional memorandum, when filed, should only "clarify what arguments" from the motion for relief will be advanced on appeal. *Id.* In making these recommendations, the Task Force knew "that this [change]

[2] Available at: https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/628434e3-d07f-4ead-b1f6-4470d7e83bf3/Pretrial%20Release%20Appeals%20Task%20Force%20Report_March%202024.pdf.

leaves no room for alternative means of analysis such as plain error review or ineffective assistance of counsel." *Id.* This Court approved the Task Force's recommendations, *see* Ill. S. Ct. Press Release (Mar. 15, 2024),[3] and amended Rule 604(h)(2) to provide that "[u]pon appeal, any issue not raised in the motion for relief . . . shall be deemed waived," Ill. S. Ct. R. 604(h)(2). Thus, consistent with the Task Force's recommendation, the current version of Rule 604(h)(2) imposes a "stricter preservation requirement" than its previous version, *Watkins-Romaine*, 2025 IL 130618, ¶ 27 n.3, by providing that issues not raised in the motion for relief shall be deemed waived — i.e., "will not be considered," Task Force Report, *supra*, at 7 — on appeal.

Defendant is incorrect that the phrase "shall be deemed waived" means something other than "will not be considered," such that the Court intended a different result when it used the former language. *See* Def. Br. 18. As discussed, use of the word "deemed" to modify "waived" demonstrates that the Court was aware that waiver typically requires more than a mere failure to raise an issue but that the Court nevertheless intended that principles of waiver apply to bar consideration of issues omitted from a motion for relief. Defendant's contrary argument disregards the plain language and context of Rule 604(h)(2) and may be rejected for that reason alone. And, as also

[3] Available at: https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/40469cec-cfe2-4325-8ed8-d3aba60d75f0/Illinois%20Supreme%20Court%20Approves%20Report%20and%20Recommendations%20From%20Pretrial%20Release%20Appeals%20Task%20Force.pdf.

explained, defendant's argument is inconsistent with the drafting history of the 2024 revisions to the rule.

Defendant's argument that the Court should depart from Rule 604(h)(2)'s plain text, context, and history because the waiver rule "do[es] little for judicial economy," Def. Br. 18, is equally misplaced. To begin, defendant offers no support for his suggestion that considerations of judicial economy could trump the plain language, context, and history of the rule. In any event, deeming issues not presented in a motion for relief as waived, and not merely forfeited, conserves judicial time and resources by incentivizing defendants challenging a pretrial detention decision to present issues to the trial court in the first instance. When Rule 604(h)(2)'s clear language, context, and drafting history is ignored, the trial court has no opportunity to correct the unpreserved error, and the appellate court wastes time and resources adjudicating an appeal that could have been avoided. *See Ratliff*, 2024 IL 129356, ¶ 27 (raising issue first before trial court allows quick correction of errors and conserves judicial resources). Indeed, prompt error correction in the trial court not only conserves judicial resources, but it also benefits defendants — particularly in the pretrial context — by avoiding the delays inherent in the appellate process. A defendant who omitted an issue from a motion for relief may raise that issue by simply filing a new motion and thereby obtain prompt trial court consideration of the issue. *See infra* Sections II.B.2 & II.C.

In sum, Rule 604(h)(2) clearly and unambiguously provides that any issue not raised in a motion for relief in the trial court is waived, not forfeited, on appeal. This interpretation of Rule 604(h)(2) is confirmed by the language of the rule as a whole, as well as the history of the rule's 2024 revisions, and defendant identifies no reason to depart from that plain text and history.

B. It is not a violation of due process, or otherwise unfair, to enforce Rule 604(h)(2)'s plain language to foreclose plain-error review.

Because issues not raised in a motion for relief from a pretrial detention order are waived, defendant cannot avoid the consequences of his waiver through plain-error review, which is available only for forfeited issues. *See Ratliff,* 2024 IL 129356, ¶ 26; *see also Marcum*, 2024 IL 128687, ¶¶ 34, 41 (statutory right to speedy trial is "waived" if not timely raised, and plain-error review does not apply); *People v. Townsell*, 209 Ill. 2d 543, 547-48 (2004) (plain-error review does not apply to waived issues). Accordingly, it is unsurprising that the appellate court has consistently and correctly recognized, since *Ratliff,* that plain-error review is unavailable for issues not raised in a motion for relief. *See supra*, Part I.

Contrary to defendant's assertions, Rule 604(h)(2) neither violates due process, *see* Def. Br. 7; *see also id.* at 11-23, 29, nor works an injustice, *see id.* at 8, 23-29. The Court should therefore reject defendant's request that the Court depart from Rule 604(h)(2)'s plain text, context, and history and construe the phrase "deemed waived" to mean merely "forfeited."

1. Defendant fails to show that enforcing Rule 604(h)(2) as written violates due process.

Defendant is incorrect that enforcing the plain language of Rule 604(h)(2) violates due process, and that the admonishments required by Rule 605(d) in the pretrial detention context are deficient because they do not require advising a defendant of Rule 604(h)(2)'s preservation requirement. *See* Def. Br. 7, 11-23, 29. This Court constructs its rules with full awareness of a defendant's constitutional rights and to conform the State's criminal justice system to the state and federal constitutions. *See Wilk*, 124 Ill. 2d at 103-04. Accordingly, "[a]s with statutes, there is a strong presumption that a court rule is constitutional, and the party challenging its constitutionality bears the burden of clearly establishing that the rule violates the constitution." *Kaull v. Kaull*, 2014 IL App (2d) 130175, ¶ 29.

Defendant fails to carry that burden here. The right to appeal a pretrial detention order derives from this Court's rules, not the Constitution. *See* Ill. Const. 1970, art. VI, § 6 (this Court may provide by rule right to interlocutory appeal); *see also* Ill. S. Ct. R. 604(h)(1)(iii). It has been established in Illinois for nearly 150 years that parties and their attorneys are "presumed to know the rules of court, and it is their duty to comply with them, and if they do not, they must take consequences." *Clark v. Ewing*, 93 Ill. 572, 577 (1879); *accord Wilk*, 124 Ill. 2d at 103 ("[i]t is incumbent upon counsel and courts alike to follow [this Court's rules]"). Thus, requiring defendants to know Rule 604(h)(2)'s waiver rule and follow its requirement

that issues raised on appeal must first be raised in a motion for relief does not violate due process.

The lack of a required admonishment advising defendants of Rule 604(h)(2)'s issue-preservation requirement and the consequences of failure to comply likewise pose no due process concerns. "Due process does not require that a defendant be admonished of the right to an appeal," much less of "all the steps necessary to preserve every alleged error." *People v. Breedlove*, 213 Ill. 2d 509, 516-17 (2004); *accord People v. Cox*, 53 Ill. 2d 101, 106 (1972) ("rule requiring that all defendants convicted of a felony be advised of their right to appeal . . . stems from the dictates of good practice rather than constitutional command," so "failure to advise [defendant] of his right to appeal from a judgment of conviction entered prior to the adoption of the rule raises no question of constitutional dimension"). Defendant is therefore incorrect that before enforcing waiver, to comport with due process, the Court's rules must provide specific admonishments about Rule 604(h)(2), beyond Rule 605(d)'s mandate that the trial court advise each defendant of their right to file a motion for relief from a pretrial detention order and subsequent right to appeal. *See, e.g.*, Def. Br. 12, 14; *see also* Ill. S. Ct. R. 605(d).

Moreover, contrary to defendant's suggestion, a defendant may waive a rules-based or statutory right by failing to comply with the stated procedures for asserting that right, regardless of whether the court has determined —

via admonition or otherwise — that the waiver was knowing and voluntary. *See* Def. Br. 11-14. Consider, for example, the statutory right to a speedy trial. *See* 725 ILCS 5/103-5(a), (b). To assert a violation of this statutory right and the correlative right to discharge, a defendant must file in the trial court a written motion to dismiss the charges on speedy-trial grounds before conviction, and if he does not, he waives the claim. *See id.* § 114-1(a)(1), (b); *see also Marcum*, 2024 IL 128687, ¶ 41. But no statute or rule premises enforcement of the statutory waiver on advising defendants of these procedures or of the consequences of waiver if defendants fail to follow them. *See Marcum*, 2024 IL 128687, ¶¶ 26-41 (detailing statutory procedure for asserting speedy trial right to prevent waiver of right, with no mention of prophylactic admonitions, and holding that pro se defendant waived right by failing to file motion to discharge). To the contrary, it is sufficient that the statute makes these requirements — and the consequences of noncompliance — clear. Likewise, a defendant must follow Rule 604(h)(2)'s requirements if he wishes to raise on appeal specific errors in a trial court's pretrial detention order, or he waives those issues for appellate review.

Nor do defendant's cited cases support his assertion that Rule 604(h)(2) violates due process because it provides for waiver in the absence of a specific admonishment about the consequences of failing to include an issue in a motion for relief. *See* Def. Br. 7 (citing *People v. Jamison*, 181 Ill. 2d 24, 29 (1998), *People ex rel. Alvarez v. Skryd*, 241 Ill. 2d 34, 41 (2011), *People v.*

Flowers, 208 Ill. 2d 291, 301 (2003), and *People v. Foster*, 171 Ill. 2d 469, 472 (1996)). These cases do not hold that due process requires admonishments where no rule of this Court requires them. Rather, they emphasize that courts and defendants alike must follow the Court's rules. For example, in *Jamison* and *Foster*, the trial court failed to comply with Rule 605's admonition requirements, so the Court remanded for compliance with that rule. *See Jamison*, 181 Ill. 2d at 29-30; *Foster*, 171 Ill. 2d at 474; *see also Dominguez*, 2012 IL 111336, ¶ 21 ("[I]n *Foster*, no 605(b) admonitions were given whatsoever, and in *Jamison*, all the defendant was told was that any posttrial motions must be filed within 30 days."). Similarly, *Skryd* stressed that the lower courts must comply with and enforce this Court's rules as written. *See* 241 Ill. 2d at 42 ("[I]t is not for the circuit and appellate courts to balance the filing requirements contained in supreme court rules against claimed deprivations of constitutional rights. Rather, 'the appellate and circuit courts of this state *must* enforce and abide by the rules of this court.'") (quoting *People v Lyles*, 217 Ill. 2d 210, 216 (2005) (emphasis in original)). In *Flowers,* by contrast, the trial court provided the Rule 605 admonishments, so this Court held that the defendant had waived her right to appeal her guilty plea because she failed to comply with Rule 604(d). 208 Ill. 2d at 301-02.

Moreover, defendant's cited cases note that due process concerns may arise only if a reviewing court were to enforce a waiver under circumstances where the trial court failed to provide an admonishment required by this

Court's rules. *See, e.g.*, *Foster*, 171 Ill. 2d at 473 (if trial court fails to provide Rule 605(b)'s admonishments, it would violate due process to hold defendant responsible for noncompliance with Rule 604(d)); *Jamison*, 181 Ill. 2d at 29 (following *Foster*); *Flowers*, 208 Ill. 2d at 301 (citing *Foster* and noting that dismissing a defendant's appeal for failure to follow Rule 604(d) would be inappropriate if trial court did not give Rule 605's admonishments); *Skryd*, 241 Ill. 2d at 41 (citing *Flowers* and *Foster* and noting same). Here, defendant does not dispute that the trial court provided the admonishments that Rule 605(d) required.

Defendant is also mistaken that Rule 604(h)(2) violates due process because Rule 605(d)'s admonishments differ from those required by Rules 605(b) and (c). *See* Def. Br. 11-15. These rules require different admonishments because they apply in different contexts. Rules 605(b) and (c) describe the admonishments specific to appeals from a final judgment entered on a plea of guilty: By their terms, they ensure that a defendant is aware of the need to file a post-judgment motion that raises all perceived errors, or else forego the right to appeal any issues omitted from the motion. *See* Ill. S. Ct. R. 605(b), (c). By requiring these admonishments upon entering a final judgment following a guilty plea, this Court "recognize[d] that any denial of the right to appeal a criminal case may be subject to due process and equal protection guarantees of the Federal and State Constitutions, even

though the right to appeal is not, *per se*, of constitutional dimensions." *Wilk*, 124 Ill. 2d at 105.

By contrast, a pretrial detention order is not a final judgment, and the right to appeal from such an order derives solely from this Court's rules, not any constitutional right. *See supra* pp. 21-22. Moreover, a pretrial detention order is temporary; it applies only until conviction and must be revisited at every subsequent hearing, regardless of whether a motion for relief is filed. *See* Ill. S. Ct. R. 604(h)(2). Given these significant differences, it is unsurprising that this Court did not require the same admonishments that it requires in the guilty plea context.

Defendant is similarly incorrect to suggest that Rule 604(h)(2), as amended in 2024, contains "fewer due process protections" than Rule 604(c), which applies to defendants whose pretrial detention began before Public Act 101-652 was in effect and who opt to proceed under the prior statutory framework. *See* Def. Br. 21-23. As discussed *supra* pp. 21-25, Rule 604(h)(2) does not violate due process because due process does not require that defendants be admonished about their appeal rights. Moreover, Rule 604(c) differs in a crucial respect from Rule 604(h)(2): Under Rule 604(c), defendants cannot file a supplemental memorandum or other brief on appeal; they are limited to filing in the appellate court a copy of the motion for relief they filed in the trial court. *See* Ill. S. Ct. R. 604(c)(2) ("No brief shall be filed."). Accordingly, defendants proceeding under Rule 604(c) would have no

opportunity to raise new issues on appeal — and thus there was no need for this Court to specify in its rules that new issues raised on appeal are "deemed waived."

Finally, while defendant may disagree with the Court's balancing of the interests and ultimate choice regarding the Rule 605(d) admonishments, *see* Def. Br. 14, because due process does not require different admonishments, defendant's concerns are best addressed through the Court's rulemaking procedure. *See* Ill. S. Ct. R. 3(c). Accordingly, the Court should reject defendant's argument that construing Rule 604(h)(2) consistently with its plain language, context, and history would violate due process.

2. Rule 604(h)(2) does not leave defendants without an opportunity to remedy waived errors.

Contrary to defendant's arguments, *see* Def. Br. 23-29, Rule 604(h)(2) does not leave defendants without an opportunity to obtain relief from a clearly erroneous detention order. Rather, a defendant who omitted an issue from his initial motion for relief may simply file a new motion for relief in the trial court to raise that issue. *See Nettles*, 2024 IL App (4th) 240962, ¶ 25 ("defendant could *still* file a proper motion for relief and take a proper appeal") (emphasis in original); *see also generally* Ill. S. Ct. R. 604(h).[4] And if the trial court finds error in the detention order based on the issues raised in

[4] Indeed, even if a defendant files no motion for relief, at each subsequent hearing, the trial court must revisit its determination that pretrial detention is necessary to avoid a real and present threat to the safety of any person or persons or the community, or to prevent the defendant's willful flight from prosecution. *See* 725 ILCS 5/110-6.1(i-5).

the new motion for relief, the court can change its prior order. *See People v. Walton*, 2024 IL App (4th) 240541 ¶ 20 (trial court has both inherent and statutory authority to revisit and alter prior detention ruling). Rule 604(h) imposes no limit on the number of motions for relief that may be filed in the trial court, *see generally* Ill. S. Ct. R. 604(h), and a notice of appeal from the trial court's denial of a motion for relief may be filed at any time before conviction, *see* Ill. S. Ct. R. 604(h)(3).

Defendant concedes that he need only file a new motion for relief in the trial court, *see* Def. Br. 27-28, 34, but he speculates — without citation to authority — that the trial court might not allow "a second bite at the apple," *id.* at 27, despite nothing in the rules forbidding it. He further speculates, again without support, that the appellate court might hold that an issue that could have been raised in the initial motion for relief — but was not — remains permanently waived thereafter. *See id.* at 28, 34. But the appellate court has already made clear that it *would* consider an issue previously deemed waived if the defendant had raised it in a new motion for relief in the trial court. *See Nettles*, 2024 IL App (4th) 240962, ¶ 25; *see also Cooksey*, 2024 IL App (1st) 240932, ¶ 19 (same); *Pederson*, 2025 IL App (2d) 240441-U, ¶ 26 (same).

This willingness to address new issues raised in a subsequent motion for relief makes sense, as it furthers Rule 604(h)'s purpose: to give trial courts the first opportunity to correct errors in detention orders and

streamline appellate review. Although Rule 604(h)(11) allows only one appeal from a pretrial detention order to proceed at a time, *see* Ill. S. Ct. R. 604(h)(11) ("No appeal from a *subsequent* detention or release order may be taken while a prior appeal under this rule by the same party remains pending in the appellate court.") (emphasis added), a defendant may file and move to consolidate multiple appeals from the trial court's orders denying multiple motions for relief, so long as all the motions for relief challenge the same pretrial detention order, *see, e.g.*, *Hart v. Ill. State Police*, 2023 IL 128275, ¶ 1 (noting consolidation of similar cases in appellate court); *People v. Hill*, 2023 IL App (1st) 221062, ¶ 11 (consolidating appeals by same defendant challenging different trial court orders that both involved sentencing issues). Indeed, this Court and the appellate court have consolidated related appeals filed by the same pretrial detainee. *See, e.g.*, *Stewart v. Rosenblum*, 2025 IL 131365, ¶ 22 (consolidating defendant's appeal from trial court's order holding provision of pretrial detention statute unconstitutional with defendant's original habeas corpus complaint contesting pretrial detention order); *People v. Acosta*, 2024 IL App (2d) 230475, ¶ 10 (consolidating appeals by same pretrial detainee in two different prosecutions because issues were related).

Indeed, even if the appeals were not consolidated, because a defendant may appeal the denial of a motion for relief at any time before conviction, Ill. S. Ct. R. 604(h)(3), while the first appeal is pending, a defendant may file a

second motion for relief raising the issues he omitted from the prior motion and then appeal any denial of that motion after the first appeal has concluded. Thus, Rule 604(h) allows a defendant to obtain appellate review of an error that was omitted from a motion for relief; it simply requires the defendant to present that error to the trial court first.

In sum, Rule 604(h) allows a defendant to file motions for relief from a pretrial detention order until he is convicted and does not limit the number of motions (or appeals from the same detention order) that may be filed. The rule is designed to ensure that trial courts have the first opportunity to correct any errors in a detention order before the appellate court considers them. Rule 604(h)(2) is consistent with this overarching purpose, so it is not unfair that Rule 604(h)(2) forecloses appellate review of alleged errors unless and until a defendant has provided the trial court with an opportunity to correct them.

C. Defendant cannot obtain review of an issue deemed waived under Rule 604(h)(2) by claiming ineffective assistance of counsel.

Finally, not only is an issue omitted from a motion for relief from a pretrial detention order not subject to plain-error review, but defendant also cannot obtain appellate review of the detainable-offense issue by claiming that his attorney provided ineffective assistance when he failed to raise that issue in his motion for relief. *See* Def. Br. 29-38. Defendant's ineffective-assistance claim is now moot and does not fit within the public-interest exception to mootness. Moreover, although the claim was not yet moot

during the appellate court proceedings, defendant could not establish prejudice under *Strickland* because he — like other pretrial detainees in that position — could have simply returned to the trial court to file a new motion for relief raising the omitted issue.

First, even if this Court were to overlook mootness and resolve the plain-error issue under the public interest exception, *but see supra* Sections II.A-B, the Court still could not consider defendant's ineffective-assistance claim under that exception. Defendant acknowledges that his ineffective-assistance claim depends on facts specific to his case. *See* Def. Br. 31 n.6 (conceding that whether defendant "proved prejudice in his specific case presents a mix question of law and fact" but arguing that Court "need not address his specific circumstances"). However, as explained, *see supra* p. 11, such "inherently case-specific reviews" cannot satisfy the substantial public nature criterion and thus do not qualify for the public interest exception to mootness, *Alfred H.H.*, 233 Ill. 2d at 356-57.

To be sure, defendant's ineffective-assistance claim was not moot during the appellate court proceedings because his criminal charges had not yet been resolved. Even then, however, defendant could not obtain review of the detainable-offense issue by claiming that his attorney provided ineffective assistance because defendant could not establish prejudice under *Strickland v. Washington*, 466 U.S. 668 (1984). *See People v. Williams*, 2024 IL 127304, ¶ 22 (*Strickland* standard governs claims of ineffective assistance of counsel).

To prove that trial counsel's representation was so ineffective as to violate the Sixth Amendment, a defendant must demonstrate that counsel's performance (1) was "deficient" and (2) "prejudiced the defense." *Strickland*, 466 U.S. at 687-88. To establish prejudice, a defendant "must show that there is a reasonable probability" that, but for counsel's errors, the trial's result would have been different. *Id.* at 694. A defendant appealing a pretrial detention order cannot satisfy this standard for two independent reasons. First, the detention order remains open to challenge at any time prior to conviction. Second, the trial's outcome is unknown at the time of the pretrial detention proceeding and the detention order cannot affect the trial's outcome.

As discussed in Section II.B.2, *supra*, a defendant may challenge a pretrial detention order at any time before conviction by filing in the trial court a new motion for relief that raises any issues previously omitted and then seeking appellate review if that motion is denied. Accordingly, a defendant cannot show prejudice from his counsel's failure to preserve an issue in a motion for relief *because he can still do so* at any time before conviction. *See Nettles*, 2024 IL App (4th) 240962, ¶ 25 ("It is difficult to discern how a defendant could establish that he has been prejudiced by his attorney 'dropping the ball' when the ball is still in the air."). As multiple appellate court decisions have held, no prejudice occurs when such avenues for review remain available. *See id.*; *see also Claver*, 2025 IL App (1st) 251041-U, ¶¶ 67-68; *Collins*, 2025 IL App (2d) 240734-U, ¶¶ 29-31; *Romero*,

2025 IL App (2d) 240581-U, ¶¶ 28-30; *Pederson*, 2024 IL App (2d) 240441-U, ¶¶ 22-26; *Luebke*, 2025 IL App (5th) 241208-U, ¶¶ 34-35.

In addition, counsel's failure to raise an argument in a motion for relief does not affect the final judgment, so it cannot prejudice a defendant. Prejudice depends on the criminal prosecution's final outcome, not the outcome of any given interlocutory proceeding. *See Strickland*, 466 U.S. at 691 ("An error by counsel, even if professionally unreasonable, does not warrant setting aside the *judgment* of a criminal proceeding if the error had no effect on the *judgment*.") (emphasis added); *see also Missouri v. Frye*, 566 U.S. 134, 137 (2012) (to establish prejudice defendant must "show a reasonable probability that *the end result of the criminal process* would have been more favorable") (emphasis added)). As this Court has recognized, "[t]he fundamental problem with addressing *Strickland* claims prior to trial is that the outcome of the proceeding has not yet been determined." *People v. Jocko*, 239 Ill. 2d 87, 93 (2011); *see also Drew*, 2024 IL App (5th) 240697, ¶¶ 35-37 (no prejudice where final outcome unknown). Prejudice thus cannot be determined before the prosecution concludes. *See United States v. Burns*, 990 F.2d 1426, 1437 (4th Cir. 1993) ("That Burns was imprisoned temporarily before trial does not prove that the trial itself was unfair; . . . whether the lawyer's unprofessional dereliction contributed to the delay in Burns's release has no bearing upon the lawyer's performance in defending him on the merits.").

In sum, counsel's failure to preserve an issue in an initial motion for relief before the trial court cannot prejudice the defense, both because the order is open to challenge until defendant is convicted and because these pretrial proceedings have no bearing on the trial's outcome.

* * *

To conclude, this Court should dismiss this appeal as moot. But if this Court determines that the public interest exception to mootness applies, then it should affirm the appellate court's judgment because under Rule 604(h)(2)'s plain language, defendant waived the detainable-offense issue by failing to raise it in his motion for relief. Moreover, defendant cannot obtain review of the waived issue as either plain error or ineffective assistance of counsel.

CONCLUSION

For these reasons, the People respectfully request that this Court dismiss the appeal as moot or, alternatively, affirm the appellate court's judgment.

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RULE 341(c) 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 35 pages.

/s/ Lauren E. Schneider
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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 January 26, 2026, the foregoing **Brief of Plaintiff-Appellee People of the State of Illinois** was filed with the Clerk of the Illinois Supreme Court using the Court's electronic filing system, which provided service to the following:

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