

No. 122891

IN THE

## SUPREME COURT OF ILLINOIS

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PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Appellate Court of Illinois, No. 3-14-0987.
	)	
Petitioner-Appellant,	)	There on appeal from the Circuit Court of the Fourteenth Judicial Circuit, Whiteside County, Illinois, No. 14-CF-201.
-vs-	)	
	)	
ELIZABETH M. CLARK	)	Honorable Stanley B. Steines,
	)	Judge Presiding.
Defendant-Appellee	)	

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**BRIEF AND ARGUMENT FOR DEFENDANT-APPELLEE**

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**ORAL ARGUMENT REQUESTED**

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**ISSUE PRESENTED FOR REVIEW**

Whether the appellate court correctly found that Elizabeth Clark was not proven guilty of escape beyond a reasonable doubt where her conduct of failing to report to jail while on bail bond was not an act of escape under 720 ILCS 5/31-6(a).

**STATUTE INVOLVED****§ 31-6. Escape; failure to report to a penal institution or to report for periodic imprisonment.**

(a) A person convicted of a felony or charged with the commission of a felony, or charged with or adjudicated delinquent for an act which, if committed by an adult, would constitute a felony, who intentionally escapes from any penal institution or from the custody of an employee of that institution commits a Class 2 felony; however, a person convicted of a felony, or adjudicated delinquent for an act which, if committed by an adult, would constitute a felony, who knowingly fails to report to a penal institution or to report for periodic imprisonment at any time or knowingly fails to return from furlough or from work and day release or who knowingly fails to abide by the terms of home confinement is guilty of a Class 3 felony.

## STATEMENT OF FACTS

On October 31, 2012, 27 year-old Elizabeth Clark pled guilty to burglary and unlawful use of a debit card in case number 12 CF 231, and was sentenced to 30 months of probation with conditions of inpatient and outpatient drug treatment. (C. 24, 30, 47-51) Due to her severe drug and alcohol addictions, Clark was found to be violation of that probation, and it was revoked. (C. 47-51) Clark was resentenced to another 30 months of probation, and subsequently she was again found in violation. (C. 24, 47-51) That probation was terminated but Clark was never resentenced. (C. 24)

Rather, on January 9, 2014, before resentencing ever occurred, the trial court entered an order allowing Clark to be “released from custody” on a temporary recognizance bond “in the custody of” her father to attend inpatient substance abuse treatment at the White Oaks Treatment center (“White Oaks”). (C. 26-27) Clark successfully completed inpatient treatment at White Oaks and on February 25, 2014, the court entered an order modifying the conditions of Clark’s bond, releasing her to Stutsman’s Lodge, a halfway house featuring an extended residential care program, “for aftercare.” (C. 24, 28, 50-51) The modified conditions of Clark’s bond allowed her to leave the halfway house for employment, medical needs, and 12-step meetings. *People v. Clark*, 2017 Ill. App (3d) 140987, ¶ 4. The order provided that upon release or discharge from the lodge, she “must immediately return to the custody of Whiteside County Jail, using the most direct route of travel and without delay or departure therefrom.” (C. 24, 28)

On June 6, 2014, the State filed a single-count information charging Clark with the offense of escape in violation of 720 ILCS 5/31-6(a), alleging that Clark, having been convicted of the felony offense of burglary and unlawful use of a debit card, “knowingly failed to report to the Whiteside County Jail as required on June 6, 2014, in accordance with the terms and conditions of her Temporary Recognizance Bond.” (C. 4) Clark turned herself into the Whiteside County Jail on June 14, 2014. (C. 25; R. 43)

On September 23, 2014, a stipulated bench trial was conducted, at which a written stipulated statement of facts was admitted into evidence. (C. 24-28) The stipulated facts included an admission by Clark that she did not report directly to jail upon leaving the treatment facility, and knew of the bond condition requiring her to do so. (R. 25) Two joint exhibits were also admitted into evidence consisting of the two temporary bail orders. (C. 24-28)

In closing, defense counsel argued that Clark did not commit the offense of escape because she was not actually serving a sentence on her burglary conviction, so she had not been released from a sentence that relates to a felony offense, but was released from custody on a temporary recognizance bond. (R. 15) Counsel argued that Clark committed the offense of violating her bond, rather than escape. (R. 15)

The State argued that failing to report to a penal institution constitutes escape whether the defendant had been either convicted of a felony or charged with a felony. (R. 21)

The court found Clark guilty, commenting that once she was released

from Stutsman's Lodge, she was "then by interpretation and reading of the temporary recog bond was then to be in the custody of the Whiteside County jail." (R. 29) The court also found that she "has been convicted of the burglary and unlawful use of a debit card. I realize she wasn't serving a sentence at that time but was awaiting sentencing. So there is the conviction." (R. 29)

Defense counsel's motion for new trial raising the same argument made in closing argument was denied. (R. 30-31; C. 34)

The trial court sentenced Clark to 30 months of probation, to be served consecutively to the prison term she received for burglary and unlawful use of a debit card. (R. 54; C. 56)

The appellate court reversed Clark's conviction because the State failed to prove her guilty of escape beyond a reasonable doubt. *People v. Clark*, 2017 IL App (3d) 140987, ¶ 16. Relying on this Court's holding in *People v. Campa*, 217 Ill. 2d 243, 259 (2005), the appellate court found that to commit the offense of escape, a defendant must first be in custody. *Clark*, 2017 IL App (3d) 140987, ¶ 11. Because Clark had been released on bond, and a defendant released on bail or bond is "not considered to be in 'custody,'" Clark was not in custody when she failed to report to the jail as required by her bond conditions. *Id.* at ¶¶ 11-14.

The State filed a petition for leave to appeal, which this Court allowed on January 18, 2018.

## ARGUMENT

**The appellate court correctly found that Elizabeth Clark was not proven guilty of escape beyond a reasonable doubt, where her conduct of failure to report to jail while on bail bond was not an act of escape under the escape statute.**

In a published decision, the Third District Appellate Court found that Elizabeth Clark was not proven guilty beyond a reasonable doubt of the offense of escape because her conduct of failing to report to jail while released on bail bond did not constitute an act of escape, but rather, was a violation of bail bond. *People v. Clark*, 2017 IL App (3d) 140987. The appellate court correctly determined that because Clark had been released from custody by virtue of her bail bond, she was not subject to the escape statute. This Court should likewise find that the State failed to meet its burden of proving Clark guilty beyond a reasonable doubt of escape, and affirm the reversal of her conviction.

The State asks this Court to reverse the decision of the appellate court because (1) the appellate court wrongly determined that a defendant must be in custody in order to escape; and (2) Clark was in custody in any event. (St. Br. 5-11) The State's arguments are incorrect both under the law and the facts. The appellate court correctly determined that to be guilty of escape, one must be in custody of the sheriff or Department of Corrections. Because Clark had been released from custody by virtue of her bail bond, she was not in custody for purposes of the escape statute, but rather was under the authority of the court and bound by the bond conditions set by the court. Thus, her failure to return was a violation of her bond, and did not constitute

the offense of escape. Accordingly, this Court should affirm the appellate court's reversal of Clark's conviction.

The due process clause, U.S. Const. Amend. XIV, protects against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the charged offense. *In re Winship*, 397 U.S. 358, 364 (1970). Though the trier of fact's determination is entitled to great weight, a reviewing court has a duty to set aside a conviction when the evidence is so unsatisfactory that it raises a reasonable doubt of the defendant's guilt. *People v. Ortiz*, 196 Ill. 2d 236, 267 (2001).

Clark was charged in a single count with the Class 3 felony of escape in violation of section 31-6(a) of the Criminal Code in that she, "having been convicted of the felony offense of Burglary and Unlawful Use of Debit Card, knowingly failed to report to the Whiteside County Jail as required on June 6, 2014, in accordance with the terms and conditions of her Temporary Recognizance Bond." (C. 4) However, because Clark was not in custody at the time she failed to report to jail, as required by her bail bond, her conduct of failing to report did not constitute an escape under section 31-6(a).

When construing a statute, the trial court must ascertain and give effect to the legislature's intent. *People v. Whitney*, 188 Ill. 2d 91, 97 (1999). Where the language is clear and unambiguous, a court gives it its plain and ordinary meaning. *Id.* Courts should consider the statute in its entirety, keeping in mind the subject it addresses and the legislature's apparent objective in enacting it. *Id.* One of the fundamental principles of statutory

construction is viewing all of the provisions of an enactment as a whole.

*People v. O'Brien*, 197 Ill. 2d 88, 91 (2001).

“Words and phrases should not be construed in isolation, but must be interpreted in light of other relevant provisions of the statute.” *Id.*; *People v. Campa*, 217 Ill. 2d 243, 252-53 (2005). When conducting statutory interpretation, this Court presumes that several statutes relating to the same subject are governed by one spirit and a single policy, and that the legislature intended the several statutes to be consistent and harmonious. *People ex rel. Illinois Dept. of Corrections v. v. Hawkins*, 2011 IL 110792, ¶ 24. Moreover, “[i]t is firmly established that criminal statutes must be strictly construed in favor of the defendant.” *People v. Robinson*, 172 Ill. 2d 452, 462 (1996). Because the construction of a statute is a question of law, the standard of review is *de novo*. *Robinson*, 172 Ill. 2d at 457.

According to the plain language of the statute, the appellate court correctly held that Clark’s conduct did not constitute escape because she was not in custody at the time of the offense. Indeed, contrary to the State’s arguments before this Court, the escape statute requires that a defendant be in custody in order to escape. The escape statute – section 31-6(a) of the Criminal Code – provides:

- (a) A person convicted of a felony or charged with the commission of a felony who intentionally escapes from any penal institution or from the custody of an employee of that institution commits a Class 2 felony; however, a person convicted of a felony who knowingly fails to report to

a penal institution or to report for periodic imprisonment at any time or knowingly fails to return from furlough or from work and day release or who knowingly fails to abide by the terms of home confinement is guilty of a Class 3 felony.” 720 ILCS 5/31-6(a) (West 2014).

Citing to this Court’s decision in *Campa*, and considering the plain language of the escape statute, the appellate court determined that “a defendant must first be in custody” in order to commit the offense of escape. *Clark*, 2017 IL App (3d) 140987, ¶ 11, *citing Campa*, 217 Ill. 2d at 259. The State contends that this analysis was incorrect – arguing that while custody is required under the first clause of the escape statute, it is not required under the second clause dealing with the failure to return or report. (St. Br. 5-6) The State suggests that because the word “custody” does not appear in the second clause of the escape statute, it does not require any kind of custody – physical or constructive. (St. Br. 6) Citing *People v. Casas*, 2017 IL 120797, ¶ 36, the State contends that this latter section makes a defendant guilty of escape any time the defendant is simply “not where the law requires [her] to be.” (St. Br. 6) The State is mistaken, as a close look at how the legislature has amended the escape statute over time shows that the intended target of either clause of the escape statute are those individuals in custody.

Originally, the offense of escape was only a Class 2 felony and the statute did not distinguish between a committed person who escapes from an

institution and a convicted person who fails to report to a penal institution or periodic imprisonment, or who fails to return from furlough or work release. *Campa*, 217 Ill. 2d at 258-59. In 1981, this Court held in *People v. Simmons* that a defendant on independent day release had escaped from custody where the defendant had been committed to the Illinois Department of Corrections and was eventually transferred to a community correctional center, from which he was allowed day release. 88 Ill. 2d at 273. It was from that day release that the defendant failed to return. *Id.* At the time, the escape statute did not have the second, failure to return clause, but this Court held that the defendant's conduct constituted the act of escape because his act of not returning was the unlawful departure from the custody of a penal institution. *Id.* This Court recognized that when the Criminal Code of 1961 was written, there were no such institutions as work-release centers and halfway houses, but the Court read the idea of a penal institution broadly enough to encompass "new varieties as they are developed." *Id.* at 274.

In 1985, shortly after *Simmons*, the legislature amended the Code to confirm that the failure to return from furlough or from work and day release constitutes escape if committed by a convicted person. *Id.* at 259. In making this amendment, the legislature omitted the act of failure to return from the Class 2 felony provision of section 31-6(a), adding a second clause making the failure to return a lesser, Class 3 felony. Over time, the escape statute was amended again to include the act of failing to abide by the terms of periodic imprisonment and home confinement. *Id.*

As this Court noted in *Campa*, the escape statute's progression "shows that the legislature intended the crime of escape to evolve with the changing terms of detention used a part of the programs at our correctional institutions." 217 Ill. 2d at 259. Indeed, each of the terms listed in the second clause of the escape statute is a type of detention involving constructive custody. Thus, even though the exact word "custody" is not contained in that subsection, under the statute's plain language, it only applies when an individual fails to return or report from constructive custody.

As it now reads, the escape statute applies either to a person who has breached physical custody from an institution or an institution's employee under the statute's first clause, or a person who has breached constructive custody of law enforcement by failing to return or report in connecting to her sentence under its second clause. *Id.* In contrast, the escape statute does *not* apply to a person who fails to return or report pursuant to her bond conditions, because by definition, a person released on bond is no longer in physical or constructive custody under the authority of law enforcement. *Id.* at 260-612.

"[T]he term 'custody' \*\*\* is not synonymous with the term 'bail,'" but rather, "bail is defined as the security necessary to release a person from 'custody.'" *Campa*, 217 Ill. 2d at 260, citing *People ex re. Morrison v. Sielaff*, 58 Ill. 2d 91, 94 (1974) (defendant not entitled to sentencing credit because he was not in "custody" during the period of time he was released on bail); See also *People v. Ramos*, 138 Ill. 2d 152, 158 (1990) (in credit-against-sentence

provision, legislature intended to distinguish between defendants who are in custody and those who are released on bail). As such, a person released on bond has been released from the authority of law enforcement and is instead under the authority of the court. *People v. Casas*, 2017 IL 120797, ¶¶ 26, 28, 34. Thus, when a person fails to report or return in connection with the conditions of her bail bond, such conduct constitutes the offense of violation of bail bond, not escape.

Three decisions from this Court support Clark's position. First, this Court's recent decision in *Casas* highlights the differences between the offenses of escape and violation of bail bond. In *Casas*, the defendant was indicted in 2014 for the violation of his 1996 bail bond. 2017 IL 120797, ¶ 6. In analyzing whether the statute of limitations had run, this Court compared the offense of violation of bail bond to that of escape and noted that the two are "similar offenses" but repeatedly reiterated that "escape encompasses not only the defendant's initial departure but his failure to return to *custody*, while a violation of bail bond "encompasses the initial departure and failure to return to court when ordered to do so." (Emphasis added.) *Casas*, 2017 IL 120797, ¶¶ 26, 28, 34.

This Court agreed with the characterization of bail as "a privileged release from custody." *Id.* at 41. This Court also noted that "unlike an escapee, a violation of bail bond is "not breaching lawful custody \*\*\*." *Id.* at ¶ 37. This Court assented that it was "true" that escape under the statute is an "intentional and unauthorized absence of a committed person from the

custody of the Department of Corrections, whereas bail bond is the release from custody.” *Id.* at ¶¶ 37-38. This Court concluded that a violation of bail bond nonetheless poses a threat to public safety because it poses “the threat to the *authority and integrity of the court*\*\*\*.” (Emphasis added.) *Id.* at ¶ 39.

This Court’s decision in *Casas* is important because it reinforces that a person on bond has been released from custody. It also reaffirms that escape is the departure from or failure to return to custody, while violation of bail bond is the failure to return to court or submit “to the orders and process of the court \*\*\* until discharged or final order of the court.” *Id.* at ¶ 30. In this case, Clark’s conduct squarely fell under the second circumstance, where she was released from custody by court order, and thus her failure to return or submit to the court’s orders was a violation of bail bond, not an escape.

This Court’s previous holding in *People v. Campa*, 217 Ill. 2d 243, 259 (2005), also supports this conclusion. In *Campa*, the issue before this Court was whether the defendant, who had been released by the county sheriff to a county day reporting center program while awaiting trial, received a speedy trial. 217 Ill. 2d at 245. In analyzing the question, this Court had to determine which speedy trial period should apply: the 120-day period associated with a defendant who is in custody, or the 160-day period associated with a defendant who is awaiting trial while out of custody. *Id.* at 250-51.

This Court concluded that *Campa* was still in custody while in the day reporting program, specifically because he had *not* been released on bond or

recognizance to the day reporting program. *Campa*, 217 Ill. 2d at 261. To the contrary, the trial court set a bond that the defendant could not post, after which the sheriff of Cook County released him to a day reporting program on its own accord. *Id.* at 263-65. In rejecting the State’s argument that a release by the sheriff is “no different than a release by the trial court, given that ‘the conditions of release are equivalent,’” this Court found that it was “a “distinction of note” that *Campa* had not been admitted to bond. *Id.* at 265.

To reach this result, this Court looked to the definitions of physical and constructive custody, as well as previous decisions reviewing the meaning of the terms “custody” and “escape” within the context of the Criminal Code. *Campa*, 217 Ill. 2d at 254-56. This Court noted, “Since escape is the unauthorized departure from *custody* \*\*\*, a defendant cannot escape unless he is first in custody.” (Emphasis added.) *Id.* at 259. This Court concluded, “The escape statute shows that the legislature intended the crime of escape to evolve with the changing terms of detention used as part of the programs at our correctional institutions.” *Id.* As such, “[a] defendant must necessarily be in ‘custody’ while participating in these programs if he is to be held accountable for ‘escape’ for failure to comply with the terms of the programs.” *Id.*

Here, after the trial court had revoked Clark’s sentence of probation, the court released Clark from custody on a \$50,000 temporary recognizance bond and subjected her to conditions of that bond, which at first included attendance at an inpatient substance abuse facility. (C.26-27) When Clark

completed those conditions successfully, the trial court modified her bond conditions to include attendance at an outpatient treatment facility. (C. 28, 50-51) While the modified conditions of her bond included that she was to “return to the custody of the Whiteside County Jail” upon release or discharge from the outpatient facility, her failure to do so was a violation of the *court’s* bond order, not a violation of any terms of confinement or alternative means of detention ordered by the sheriff’s department.

This Court’s decision in *People v. Beachem*, 229 Ill. 2d 237, 254 (2008), further illustrates the distinction between a defendant being released from custody by virtue of being released on bond by the court, versus a defendant who is still considered to be in constructive custody when released by the sheriff’s department. In *Beachem*, the defendant had been released by the sheriff to the Day Reporting Program prior to trial, and on appeal he argued for credit for time served in the Program. 229 Ill. 2d at 239-42. This Court held that the defendant was entitled to such credit, not because of the onerousness or restrictiveness of the Program, but because the defendant remained in custody of the sheriff’s department while participating in the Program. *Id.* at 252. This Court noted that it was the sheriff who maintained complete legal authority over the defendant, and it was “the sheriff, not a court, who [chose] to modify the means used to hold defendant.” *Id.* at 255.

Here, in contrast, the record demonstrates that it was the trial court that initially released Clark from custody and set up the conditions of her bond to include inpatient treatment. It was also the trial court that then

modified those conditions of bond for Clark to undergo outpatient treatment. During this entire juncture, the sheriff had no legal authority over Clark, where her prior sentence of probation had been vacated and she had not yet been resentenced. It was the court that set the terms and conditions of Clark's bond, and it was to the court that Clark was responsible. Accordingly, in light of this Court's consistent caselaw on this topic, the appellate court correctly held that the escape statute did not apply to Clark.

Throughout its brief, the State insinuates that this Court must construe the escape statute to allow it to punish conduct like Clark's because otherwise it would only punish those in physical custody, in violation of the plain language of the escape statute. The State argues that it "would make little sense to punish, for failure to report for custody, only those already in physical custody," because those already in physical custody who fail to report would either be escapees under the first clause of section 31-6(a) or could be forced to report." (St. Br. 7) The State ignores that the whole point of the second clause of the escape statute is to target individuals in *constructive* custody, so as prevent any loopholes in the escape statute and avoid evasion of the law when dealing with alternative forms of sentencing. Thus, it would make little sense *not* to read the statute to require constructive custody as an element of the offense of failure to report. Without a custody requirement, the escape statute would not meet its goal of punishing individuals who attempt to evade their punishment. To the extent the State suggests conduct like Clark's would go unpunished, the State is incorrect. As the appellate court

noted but the State fails to ever address, when a defendant fails to comply with the conditions of a limited release granted to her by the *trial court*, she is guilty of a different offense – violation of bail bond.

That Clark’s responsibility while out of custody on bond was to the court and not the sheriff or probation department, and that the sheriff and probation department had no authority over her at that time, supports a finding that her act of failing to return was an act of violation of bail bond, not escape. As the Third District Appellate Court succinctly described in *People v. Smith*, 2014 IL App (3d) 1230548:

What authority did the probation department have to set the terms and conditions of defendant’s release on appeal bond? The answer, of course, is none. It was the trial court that ‘established’ the ‘terms and conditions’ of defendant’s release. Defendant possessed the same right as the probation department to request that the court change the conditions and terms of his release. \*\*\* The whole point of the appeal bond, like every other bond, was to avoid custody.

The State also argues that, even if a defendant must be in custody in order to escape under the statute, the appellate court wrongly determined that Clark was not in custody, because Clark’s “mandatory presence at a treatment center constituted custody.” (St. Br. 4) The State claims that Clark was in custody “in the relevant sense” to be convicted of escape, and that the definition of custody must be read broadly to cover Clark’s failure to report because she was “a convicted felon, who was legally required to be in a

treatment facility during the duration of her recognizance bond.” (St. Br. 7, 11) In making this argument, the State fails to acknowledge the well-established concept that a defendant’s release on bond is a release *from custody*.

In order to advance its claim that Clark was in custody, the State cites *Simmons*, 88 Ill. 2d at 271, claiming that it represents that “a broad meaning should be attributed to any requirement of custody for the offense of failure to report under section 31-6.” (St. Br. 10) However, as discussed above and correctly noted by the appellate court, *Simmons* involved a situation where the defendant was in the custody of the Department of Corrections, and failed to return from a limited release granted by the facility. *Clark*, 2017 IL App (3d) 140987, ¶ 15. In this case, Clark was not in custody but had been released from custody on bond.

The State attempts to distinguish all of this Court’s caselaw on the subject of custody, escape, and bond, noting that in *Morrison* and *Ramos*, the definition of custody was analyzed as it related to presentencing credit, and that *Campa* dealt with the speedy trial statute. (St. Br. 8-9) Regardless of the specific legal question at hand in those cases, this Court’s analyses of the concepts of custody, escape, and bond are nonetheless controlling and compelling in the instant case, and when applied, clearly show that Clark was not in constructive custody at the time she failed to return pursuant to her bond conditions set by the court.

The State’s suggestion that the term “custody” should be read so

broadly as to include Clark's requirement to be in a treatment facility during her bond is based on a distortion of caselaw that has supported a broad reading of the term custody. (St. BR. 8-10) While this Court has read into the escape statute a broad meaning to the term "custody" so as to "evolve with" and include "the changing programs in our correctional institutions," at no point has this Court or the language of the escape statute ever suggested that constructive custody include scenarios where an individual has been released on bond like Clark. *Campa*, 217 Ill. 2d at 254-56. Such a broadening of the term custody would directly conflict with the basic concept that bond is a *release* from custody, as explained above. It would also negate the aim of the legislature's creation of and amendments to the failure to return subsection of the escape statute.

Simply put, the State made the mistake of charging the wrong crime in this case. While Clark's failure to abide by her bond conditions may have constituted the crime of violation of bail bond, the State instead charged her with escape. Because Clark was not in custody – constructive or otherwise – her actions in this case do not constitute the offense of escape. Thus, this Court should affirm the appellate court's decision finding that the State failed to prove Clark guilty of escape beyond a reasonable doubt, and reverse her conviction.

**CONCLUSION**

For the foregoing reasons, Elizabeth M. Clark, defendant-appellee, respectfully requests that this Court affirm the appellate court's decision reversing her escape conviction.

Respectfully submitted,

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**CERTIFICATE OF COMPLIANCE**

I, Pamela Rubeo, certify that this brief conforms to the requirements of Supreme Court Rule 341(a) and (b). The length of this brief, excluding 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 20 pages.

/s/Pamela Rubeo  
PAMELA RUBEO  
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No. 122891

IN THE

## SUPREME COURT OF ILLINOIS

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PEOPLE OF THE STATE OF	)	Appeal from the Appellate Court of
ILLINOIS,	)	Illinois, No. 3-14-0987.
	)	
Petitioner-Appellant,	)	There on appeal from the Circuit
	)	Court of the Fourteenth Judicial
-vs-	)	Circuit, Whiteside County, Illinois,
	)	No. 14-CF-201.
	)	
ELIZABETH M. CLARK	)	Honorable
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**NOTICE AND PROOF OF SERVICE**

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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 May 3, 2018, the Brief and Argument was filed with the Clerk of the Supreme Court of Illinois using the court's electronic filing system in the above-entitled cause. Upon acceptance of the filing from this Court, persons named above with identified email addresses will be served using the court's electronic filing system and one copy is being mailed to the defendant-appellee in an envelope deposited in a U.S. mail box in Chicago, Illinois, with proper postage prepaid. Additionally, upon its acceptance by the court's electronic filing system, the undersigned will send 13 copies of the Brief and Argument to the Clerk of the above Court.

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