NOTICE
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2026 IL App (5th) 260514

NO. 5-26-0514

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellant, v. LAMAR PLANT, Defendant-Appellee.	)))))))))	Appeal from the Circuit Court of Champaign County. No. 25-CF-1238 Honorable Roger B. Webber, Judge, presiding.

PRESIDING JUSTICE CATES delivered the judgment of the court, with opinion.
Justices Boie and McHaney concurred in the judgment and opinion.

OPINION

¶ 1 The defendant, Lamar Plant, was released from pretrial detention on May 1, 2025, pursuant to article 110 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/art. 110 (West 2024)), as amended by Public Act 101-652 (eff. Jan. 1, 2023), commonly known as the Pretrial Fairness Act. The State argues on appeal that the trial court erred in releasing the defendant. For the following reasons, we affirm.

¶ 2 I. BACKGROUND

¶ 3 On October 2, 2025, the defendant was charged with aggravated battery, a Class 3 felony, and armed robbery, a Class X felony. 720 ILCS 5/12-3 (West 2024); 720 ILCS 5/18-2(a)(1) (West 2024). On the same day, the State filed a petition to deny the defendant pretrial release, alleging

that the defendant committed a detainable offense and that he posed a real and present threat to the safety of any person or persons or the community.

¶ 4 The matter advanced to a hearing on October 3, 2025. The State proceeded by proffer, stating that, on September 30, 2025, Darwin Turner reported that he accepted a ride from the defendant in exchange for money. The defendant drove Turner to Wal-Mart, then purchased gasoline before driving onto the interstate. While driving, the defendant demanded more money from Turner, which he declined to give. The defendant then pulled over on the shoulder of the highway, exited the vehicle, and approached the passenger window with a knife. The defendant again demanded money from Turner. When he refused, the defendant cut Turner's pants near his pocket, as if the defendant was trying to cut the pocket open. The defendant also stabbed Turner in the arm with the knife, causing a bleeding injury. Turner surrendered his money, approximately $175, and his cell phones. The defendant then drove off the interstate, and Turner exited the vehicle and went to the hospital, where the police were called. Turner provided a description of the defendant's car to law enforcement and had injuries consistent with those described in his account of events. The Illinois State Police (ISP) were able to locate the defendant. He admitted giving Turner a ride but denied any violence toward Turner. Officers discovered a red, blood-like substance on the center console of the defendant's vehicle, on the side of the passenger seat, on the carpet, and on the passenger door. A pretrial investigative report had also been prepared for the court and was relied upon by the State.

¶ 5 Defense counsel proffered that the defendant had lived in the county for over 18 years and resided with his mother and grandmother. He helped provide care to his grandmother. The defendant had a history of mental health diagnoses for which he previously received treatment and

medication. The defendant also had a history of substance abuse. He had an associate degree and a certified driver's license but was unemployed due to his criminal history.

¶ 6 The State argued that the presumption was great that the defendant committed a detainable offense in that Turner's account of their interaction was consistent with the injuries he sustained and which were observed by law enforcement and hospital staff. The State argued that the defendant targeted someone he did not really know for "a very violent contact" and that no conditions of release would mitigate the risk he posed to the public. The State further argued that the defendant had a prior criminal history of violent criminal activity and was before the court accused of another violent felony while on probation for domestic battery at the time of the offense.

¶ 7 Defense counsel argued that the defendant should be released with conditions to treat his substance abuse and mental health. The defendant also could have no contact with the alleged victim. The trial court granted the State's petition to detain the defendant and entered a written order the same day, finding that the proof was evident or presumption great that the defendant committed a detainable offense, that he posed a real and present threat, and that no condition or combination of conditions could mitigate that threat.

¶ 8 On October 30, 2025, the State filed a motion to consume sample in order to complete a DNA analysis of the knife recovered from the defendant's vehicle, swabs of a red residue from the vehicle believed to be blood, and an exemplar of Turner's DNA. On November 3, 2025, the trial court entered an order for the ISP Forensic Sciences Laboratory to consume DNA recovered from the offense.

¶ 9 On November 4, 2025, the State filed a motion to continue the trial setting. The motion indicated that the DNA swabs from the victim and the red, blood-like substance in the vehicle were collected on October 1 and 7, 2025, and then transported to the ISP lab on October 2 and 7, 2025,

respectively. The order authorizing the consumption of the DNA was entered on November 3, 2025, the testing was not yet complete, but the State believed it would be completed at a future date. The State requested "a 120 day extension to the normal statutory speedy trial period, pursuant to 725 ILCS 5/103-5(c) [Speedy Trial Act], to obtain additional DNA testing results ***." Further, the State had "no objection to this Court entering a shorter extension, for status hearing, as the Court deems appropriate."

¶ 10 A docket entry from November 4, 2025, shows that the defendant made a speedy trial demand and objected to the motion to continue. The State's motion to continue was granted. The docket entry did not include how long the continuance would be.

¶ 11 The State filed four additional motions to continue on December 1, 2025, December 31, 2025, February 10, 2026, and March 10, 2026, that all contained identical information as related in the first motion to continue. The defendant objected to all of the motions, but the trial court granted each one. The docket entries do not reflect the exact amount of time granted for each continuance.

¶ 12 On April 27, 2026, the defendant filed a motion for release, pursuant to section 110-6.1(i) of the Code. 725 ILCS 5/110-6.1(i) (West 2024). The motion stated that, under the Code, he should be released with conditions. Defendant's motion set forth section 110-6.1(i) of the Code, which states,

> "If the court enters an order for the detention of the defendant pursuant to subsection (e) of this Section, the defendant shall be brought to trial on the offense for which he is detained within 90 days after the date on which the order for detention was entered. If the defendant is not brought to trial within the 90-day period required by the preceding sentence, he shall not be denied pretrial release. In computing the 90-day period, the court shall omit any

> period of delay resulting from a continuance granted at the request of the defendant and any period of delay resulting from a continuance granted at the request of the State with good cause shown pursuant to Section 103-5." 725 ILCS 5/110-6.1(i) (West 2024).

The defendant further explained that he was ordered detained on October 3, 2025, which began the 90-day period included in the Code. The State filed motions to continue, pursuant to section 103-5(c) of the Speedy Trial Act, which permitted up to an additional 120 days of pretrial detention for DNA testing. 725 ILCS 5/103-5(c) (West 2024). The defendant argued that his initial 90-day period under the Code, along with the 120-day period granted to the State under the Speedy Trial Act for DNA testing, resulted in a maximum of 210 days that he could be held in pretrial detention without a trial. The defendant's detention would reach 210 days on May 1, 2026. He therefore requested release with conditions.

¶ 13 The State filed a response the same day. The State argued that the motions to continue should be omitted from the 90-day period because they were all brought for good cause under the Speedy Trial Act. Because the continuances should be excluded from the 90-day period under the Code, the defendant could remain detained until his trial, which was scheduled for May 13, 2026.

¶ 14 The trial court held a hearing on the motion for release and response on April 30, 2026. Defense counsel argued that the defendant should be released because of the language in the Code. Defendant could be detained for 90 days, pending trial under the Code. If the case was continued under the Speedy Trial Act for good cause shown, then the continuances should be omitted from the 90-day period. Because the Speedy Trial Act permitted an extra 120 days for DNA results, the total time the defendant could be held was 210 days: "The [Code] clock is 90 days, and if you add the extra 120 days for DNA, that's 210 days." The defendant's detention would reach 210 days on May 1, 2026, and defense counsel asked for the defendant's release on that date.

¶ 15 The State asserted, "The [Code] does not simply tack the 120 onto the 90. It excludes all periods covered under the—under the Speedy Trial Act, so once the Speedy Trial Act continuances begin, the clock simply stops. It's not like you add 120 to the 90. The clock is—is done." The State argued that under the Speedy Trial Act, a defendant would have to be brought to trial within 240 days, not 210 days. The 90-day period from the Code and the 120-day period from the STA would "run concurrently." The State argued that its interpretation was from the plain language of the Code, which omits all continuances under the Speedy Trial Act, and the State would have the entire 240 days under the Speedy Trial Act to go to trial.

¶ 16 The trial court took the matter under advisement and entered a written order on May 1, 2026. The order stated,

> "Subsection (c) of 103-5 [of the Speedy Trial Act] provides that for purposes of obtaining DNA, the court may continue the cause on application of the State for not more than an additional 120 days. Thus, if the 90-day [Pretrial Fairness Act] clock is set to expire, triggering Defendant's mandatory right to pretrial release, but for the continuances to obtain DNA for not more than an additional 120 days, the Defendant can no longer be 'Denied pretrial release.' This court concludes that, under these facts, a defendant must be brought to trial or released on Pretrial conditions within 210 days."

The trial court ordered the defendant released with conditions.

¶ 17 The State filed a motion for relief from the defendant's pretrial release on June 1, 2026. The State argued that the trial court erred in releasing the defendant, asserting, that "*any* motion to continue for good cause allowable under the Speedy Trial Act is omitted in calculating the [Pretrial Fairness Act] 90[-]day detention period, so that if the State is exercising due diligence, it can hold a defendant for the entire statutory speedy trial period." (Emphasis in original.) The State argued

that because the Code did not incorporate or refer to any 120-day period for DNA, the trial court erred in "blend[ing]" the Pretrial Fairness Act and the Speedy Trial Act to "create a new [Pretrial Fairness Act] detention deadline" of 210 days. The State said,

> "If, at day 89, the State moved to continue and seeks 150 days (the remaining 30 days allowed under the Speedy Trial Act and the 120 day extension, with a one day buffer to play it safe), and shows good cause, it has satisfied the timelines of *both* statutes. The continuance was for good cause under the Speedy Trial Act and it met the extended 240 day deadline; and the clock under the [Pretrial Fairness Act] stopped indefinitely at day 89." (Emphasis in original.)

The State asked that the trial court vacate its prior order releasing the defendant and order him detained.

¶ 18 The trial court held a hearing on June 5, 2026, addressing the State's motion for relief. The State rested largely on the written motion for relief. The State said, "As I read the plain language, once a Speedy Trial Act continuance is granted, it tolled the Pretrial Fairness Act timeline indefinitely for as long as those continuances for good cause shown are, are in place." The defendant argued that the Code imposed a 90-day "clock" for defendants to be brought to trial, and continuances for DNA evidence may be granted for 120 days, totaling 210 days pending trial. The defendant argued that "[t]he purpose of the Pretrial Fairness Act was to ensure the people got a speedy trial and were not held in jail indefinitely while the DNA or anything else was pending." The trial court denied the motion for relief. The State appealed.

¶ 19 II. ANALYSIS

¶ 20 On appeal, the State argues that once the State filed its first motion to continue on November 4, 2025, the 90-day "clock" under the Code was stopped at day 32 of the defendant's

detention. It argues that this clock remained "stopped" throughout the case, including up to the defendant's release because all the continuances were made with good cause shown for DNA testing results. Because of this, the State argues that only 32 days of the 90 days had elapsed. The State further argues that the Code "specifies that continuances allowed under Section 103-5 [of the Speedy Trial Act] shall be omitted from the 90-day calculation, no more and no less." The State asserts that adding 120 days to the 90-day period creates a 210-day upper limit, which was not the intent of the Code.

¶ 21 The defendant argues, among other things, that the trial court was correct in granting his release due to the 90-day limit on detention under the Code. As the parties correctly note, this issue has not yet been addressed by our appellate courts or supreme court. Resolving the issue before the court is a matter of statutory construction and will be reviewed *de novo*. *People v. Taylor*, 2023 IL 128316, ¶ 45. As such, we begin with section 110-6.1(i) of the Code to address the time limitation placed on the State to bring detained defendants to trial within the 90-day period.

¶ 22 "The primary goal of statutory construction, to which all other rules are subordinate, is to ascertain and give effect to the intention of the legislature." *Jackson v. Board of Election Commissioners*, 2012 IL 111928, ¶ 48. The best indication of the legislative intent is the plain language of the statute. *People v. Rios*, 2023 IL App (5th) 230724, ¶ 9. "The statute should be evaluated as a whole, with each provision construed in connection with every other section. When the statutory language is clear, we must apply the statute as written without resort to other tools of construction." *Jackson*, 2012 IL 111928, ¶ 48.

¶ 23 Section 110-6.1(i) of the Code states,

> "If the court enters an order for the detention of the defendant pursuant to subsection (e) of this Section, the defendant shall be brought to trial on the offense for which he is detained

> within 90 days after the date on which the order for detention was entered. If the defendant is not brought to trial within the 90-day period required by the preceding sentence, he shall not be denied pretrial release. In computing the 90-day period, the court shall omit any period of delay resulting from a continuance granted at the request of the defendant and any period of delay resulting from a continuance granted at the request of the State with good cause shown pursuant to Section 103-5." 725 ILCS 5/110-6.1(i) (West 2024).

Therefore, the plain language of the statute requires a detained defendant to be brought to trial within 90 days unless very specific circumstances cause any period of delay.

¶ 24 The State filed all five motions to continue pursuant to section 103-5 of the Speedy Trial Act, which is one of the statutory circumstances that can occasion delay under section 110-6.1(i) of the Code. Section 103-5(c) of the Speedy Trial Act states,

> "If the court determines that the State has exercised without success due diligence to obtain evidence material to the case and that there are reasonable grounds to believe that such evidence may be obtained at a later day the court may continue the cause on application of the State for not more than an additional 60 days. If the court determines that the State has exercised without success due diligence to obtain results of DNA testing that is material to the case and that there are reasonable grounds to believe that such results may be obtained at a later day, the court may continue the cause on application of the State for not more than an additional 120 days." 725 ILCS 5/103-5(c) (West 2024).

¶ 25 The parties disagree on whether the initial time period for bringing a defendant to trial was 90 days under the Code or 120 days under the Speedy Trial Act. The Speedy Trial Act provides that "[e]very person in custody" shall be tried within 120 days of the date he was taken into custody. 725 ILCS 5/103-5(a) (West 2024). The 120-day period under the Speedy Trial Act is,

however, subject to being continued. Under the Speedy Trial Act, the maximum amount of time that a defendant can be held in custody and for which continuances of time can be granted for DNA testing is 240 days. "[S]ection 103-5(c) allows the trial court to continue cases involving DNA testing for a maximum of 120 days beyond the initial 120-day period provided in section 103-5(a), for a total maximum period of 240 days, without violating a defendant's speedy-trial rights." *People v. Johnson*, 323 Ill. App. 3d 284, 289 (2001).

¶ 26 The Code applies to every defendant for whom the circuit court enters a detention order and requires that if he is not tried within 90 days, he shall not be denied pretrial release. 725 ILCS 5/110-6.1(i) (West 2024). Both the Speedy Trial Act and the Code allow the State to request additional time, for various reasons, including obtaining material evidence or DNA testing results, where the State has shown due diligence or good cause for the delay. 725 ILCS 5/103-5(c) (West 2024); 725 ILCS 5/110-6.1(i) (West 2024).

¶ 27 In this case, the State filed its motions to continue under subsection (c) of section 103-5, which is specific to DNA testing results. 725 ILCS 5/103-5(c) (West 2024). This section of the Speedy Trial Act specifically allows *up to* an additional 120 days of custodial detention while the State, upon a showing of due diligence, awaits DNA testing results. 725 ILCS 5/103-5(c) (West 2024). The Code 90-day period accounts for continuances, stating that, "In computing the 90-day period, the court shall *omit* any period of delay resulting from a continuance granted at the request of the defendant and any period of delay resulting from a continuance granted at the request of the State with good cause shown pursuant to Section 103-5." (Emphasis added.) 725 ILCS 5/110-6.1(i) (West 2024).

¶ 28 Under the circumstances presented by this record, the defendant was detained under the Code, and the 90 day "clock" began to run. Once the 90-day "clock" begins, the trial court "shall

omit any period of delay" occasioned by a request from the defendant, or from a request from the State "with good cause shown pursuant to Section 103-5." (Emphasis added.) 725 ILCS 5/110-6.1(i) (West 2024). The State argues that the Code specifies that continuances allowed under Section 103-5 of the STA "stopped" the Code 90-day clock. The State urges us to find that the continuances allowed for the DNA testing stopped the Code 90-day clock rather than extending it.

¶ 29 An extension is "a part constituting an addition." Merriam-Webster Online Dictionary, https://www.merriam-webster.com/dictionary/extension (last visited Sept. 4, 2026) [https://perma.cc/RXJ8-89R2]. In this context, an extension of time under the Code would simply add more time to the 90-day deadline that a defendant needs to be brought to trial or be released. This was the course taken by the trial court when it added the 90-day requirement of the Code to the 120 additional days received by the State for DNA testing. In contrast to an extension, this court in *People v. Workman*, 368 Ill. App. 3d 778 (2006), considered the Speedy Trial Act time restrictions when the State files a motion to continue under section 103-5(c). 725 ILCS 5/103-5(c) (West 2024). Ultimately, the court held that because the trial court's grant of the continuance was proper, it "tolled the speedy-trial 'clock.' " *Workman*, 368 Ill. App. 3d at 787. The tolling of a time period means "to stop the running of." Black's Law Dictionary (12th ed. 2024). Finally, we consider the plain and ordinary meaning of the word, "omit," which means "to leave out or leave unmentioned." Merriam-Webster Online Dictionary, https://www.merriam-webster.com/dictionary/omit (last visited Sept. 4, 2026) [https://perma.cc/NWS5-XACQ]. "When the statutory language is clear, we must apply the statute as written without resort to other tools of construction." *Jackson*, 2012 IL 111928, ¶ 48. Therefore, we find that the language of the Code causes the 90-day clock to be tolled, based on the language in the statute that requires "the court

shall omit" periods of delay from the defendant or from the State, with good cause shown, under the Speedy Trial Act.

¶ 30 Accordingly, the defendant had to be tried within those 90 days or be released from custody, unless one of the exceptions applied which would toll the 90-day requirement. Here, the State filed its motions pursuant to section 103-5(c), which is a recognized exception to the 90-day limitation, but that exception is not limitless. Rather, section 103-5(c) has its own internal limitation of "not more than an additional 120 days" for obtaining DNA testing results. 725 ILCS 5/103-5(c) (West 2024). Thus, as we construe the Speedy Trial Act, the defendant must be brought to trial within no more than 240 days of continued custodial detention or the defendant is completely discharged for a violation of the Speedy Trial Act. 725 ILCS 5/103-5(d) (West 2024); *Johnson*, 323 Ill. App. 3d at 289.

¶ 31 Under the Code, the results are not as onerous. The Code refers to pretrial detention, and any violation of the pretrial custodial confinement will not result in a dismissal of the charges for which the defendant is detained. Rather, the 90-day clock begins when the trial court orders the defendant detained. If the defendant is not brought to trial within the time period, he must be granted release, rather than completely discharged, as is required by the Speedy Trial Act. This 90-day clock may be tolled subject to certain exemptions, which are not limitless. Although the exact days granted for each continuance are not indicated by the docket entries in the record, the State received the maximum 120 additional days allowed under section 103-5(c) of the Speedy Trial Act, which tolled the running of the 90-day period. The following explains, considering the tolling provision, why the defendant could not be detained after May 1, 2026:

October 3, 2025: Detention order entered; Code 90-day "clock" begins;

November 4, 2025: The State filed its first motion to continue pursuant to 103-5(c) of the STA; Code 90-day "clock" *tolled* at 32 days;

March 4, 2026: Additional motions to continue[1] are filed by the State, pursuant to section 103-5(c), allowing for 120 days to pass for DNA testing results; Code "clock" now *resumes* on day 33 of 90;

May 1, 2026: The defendant is released from custody; this is day 90 of 90 of the Code "clock."

¶ 32 We emphasize that our findings are limited to continuances the State may receive for DNA testing. We cannot speculate on other reasons under the Speedy Trial Act that might be deemed as tolling provisions under section 110-6.1(i). 725 ILCS 5/110-6.1(i) (West 2024). Accordingly, we are not creating a bright-line rule of 210 days for all defendants under the Code. A case-by-case analysis examining the reason for the continuance is required. Further, we note that the 90-day initial period under the Code cannot be tolled "*indefinitely*," as the State argued before the trial court. Neither the Speedy Trial Act nor the Code permits any indefinite periods of delay by the State. Such a finding would negate the purpose of including the specific time limitations in the Speedy Trial Act and Code.

¶ 33 III. CONCLUSION

¶ 34 In conclusion, we affirm the June 5, 2026, order of the Champaign County trial court, denying the State's motion for relief for reasons different than those used by the trial court. We have, instead, omitted the additional 120 days, which commenced at day 32. When the 120-day tolling period expired, we then began the 90-day clock at day 33. Thus, we arrive at the same

[1]We note that the State filed an additional motion to continue pursuant to 103-5(c) for DNA testing results on March 10, 2026. The docket entry from that date, states, in part, "Motion by State for continuance. Defense makes speedy trial demand. Motion allowed over objection." This was filed and granted beyond the 120 days permitted under the STA.

release date as the trial court, that the defendant shall not be detained more than 210 days in the present case.

¶ 35 Affirmed.

***People v. Plant,* 2026 IL App (5th) 260514**

Decision Under Review:	Appeal from the Circuit Court of Champaign County, No. 25-CF-1238; the Hon. Roger B. Webber, Judge, presiding.
Attorneys for Appellant:	Patrick Delfino and David J. Robinson, of State's Attorneys Appellate Prosecutor's Office, of Springfield, for the People.
Attorneys for Appellee:	James E. Chadd, Carolyn R. Klarquist, and Cristina Law Merriman, of State Appellate Defender's Office, of Chicago, for appellee.