

No. 132265

IN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Appellate Court of Illinois, No. 2-24-0250.
	)	
Plaintiff-Appellee,	)	There on appeal from the Circuit Court of the Twenty-Third Judicial Circuit, Kendall County, Illinois, No. 20 CF 134.
-vs-	)	
	)	
RANDALL M. STAFFORD II,	)	Honorable Robert P. Pilmer,
Defendant-Appellant.	)	Judge Presiding.

BRIEF AND ARGUMENT FOR DEFENDANT-APPELLANT

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NATURE OF THE CASE

Randall M. Stafford II appeals to this Court from a final judgment denying his motion for corrected mittimus.

ISSUE PRESENTED FOR REVIEW

Whether Randall Stafford is entitled to credit against his prison sentence for the time he spent on home detention prior to sentencing.

STATUTES INVOLVED

Effective July 1, 2021, section 5-4.5-100 of the Unified Code of Corrections provides, in relevant part, as follows:

§ 5-4.5-100. Calculation of Term of Imprisonment.

(b) **Credit; Time in Custody; Same Charge.** Except as set forth in subsection (e), the offender shall be given credit on the determinate sentence or maximum term and the minimum period of imprisonment for the number of days spent in custody as a result of the offense for which the sentence was imposed. The Department shall calculate the credit at the rate specified in Section 3-6-3 (730 ILCS 5/3-6-3). The trial court shall give credit to the defendant for time spent in home detention on the same sentencing terms as incarceration as provided in Section 5-8A-3 (730 ILCS 5/5-8A-3). Home detention for purposes of credit includes restrictions on liberty such as curfews restricting movement for 12 hours or more per day and electronic monitoring that restricts travel or movement. Electronic monitoring is not required for home detention to be considered custodial for purposes of sentencing credit. The trial court may give credit to the defendant for the number of days spent confined for psychiatric or substance abuse treatment prior to judgment, if the court finds that the detention or confinement was custodial.

* * *

Effective July 1, 2021, section 5-8A-2 of the Unified Code of Corrections provides, in relevant part, as follows:

§ 5-8A-2. Definitions. As used in this Article:

* * *

(C) “Home detention” means the confinement of a person convicted or charged with an offense to his or her place of residence under the terms and conditions established by the supervising authority. Confinement need not be 24 hours per day to qualify as home detention, and significant restrictions on liberty such as 7pm to 7am curfews shall qualify. Home confinement may or may not be accompanied by electronic monitoring, and electronic monitoring is not required for purposes of sentencing credit.

* * *

STATEMENT OF FACTS

On May 14, 2020, the State charged Randall M. Stafford II with aggravated domestic battery. (C7) The trial court set his bond at \$50,000¹ and ordered that he be monitored via global positioning system (GPS) as a condition of bond. (C16) A separate order (the GPS order) set out the requirements of the GPS monitoring. (C10-11) The GPS order required Stafford to comply with GPS monitoring through Kendall County Court Services (court services) and abide by all instructions given to him by the court, court services and its agents, including permission for movement. (C10) Additionally, the GPS order stated, “The defendant shall *remain within the structure* of his *** place of residence *** except as provided in this order with prior permission from the probation department.” (Emphasis in original). (C11) The order allowed Stafford to “leave his *** residence and travel directly to and from on the pre-approved route” for attorney appointments, court dates, and probation appointments. (C11)

On August 12, 2020, the trial court modified Stafford’s bond. Its order read:

“[Defendant] is given permission to leave [his] residence for the purposes of doctor’s appointments, counseling, and picking up prescribed medications at the pharmacy provided [defendant] obtains approval for movement prior to leaving his residence.

[Defendant] is given permission to leave the residence for the purpose of taking his mother grocery shopping (limited to 1x per week) provided [defendant] obtains approval prior to any such movement. Should [defendant] have an in[-]person interview for employment, he may leave the residence provided he receives prior approval for such movement.” (C67)

On February 25, 2021, the trial court switched Stafford’s GPS monitoring

¹ On October 4, 2021, Stafford’s bond was increased to \$75,000. The conditions were not changed. (C121)

to the Kendall County Sheriff's Office, but made no other changes to the GPS arrangement. (R90; C92-93)

On April 14, 2022, the trial court found Stafford guilty of aggravated domestic battery after a bench trial and revoked Stafford's bond. (R148, 286, 288; C138-39) On June 24, 2022, the court held a sentencing hearing. (R292-343) The parties agreed Stafford was entitled to 131 days' credit for the time he spent in jail before sentencing. (R317, 320) However, Stafford also sought credit for the time he spent confined to his home on GPS monitoring² prior to trial. (R320) The trial court sentenced Stafford to six years in prison, awarded him 131 days' sentencing credit, but denied him any credit for his time on pretrial GPS monitoring. (R331; C149)

On July 18, 2022, Stafford moved to reconsider his sentence, arguing that he was entitled to credit for the time he was on GPS monitoring prior to trial. (C154-55) Stafford relied on section 5-4.5-100(b) of the Unified Code of Corrections (Code of Corrections) (730 ILCS 5/5-4.5-100(b) (2022)), which, as pertinent here, reads:

[T]he offender shall be given credit *** for the number of days spent in custody as a result of the offense for which the sentence was imposed. The Department [of Corrections] shall calculate the credit at the rate specified in Section 3-6-3 (730 ILCS 5/3-6-3). The trial court shall give credit to the defendant for time spent in home detention on the same sentencing terms as incarceration provided in Section 5-8A-3 (730 ILCS 5/5-8A-3). Home detention for purposes of credit includes restrictions on liberty such as curfews restricting movement for 12 hours or more per day and electronic monitoring that restricts travel or movement. Electronic monitoring is not required for home detention to be considered custodial for purposes

² The record reflects that the parties used various terms to refer to this monitoring, including "electronic home monitoring," or "EHM," (R287, 320, 327, 348-49, 354-55, 363), and "GPS," "GPS monitoring," or "GPS program." (R17, 26, 33-35, 69, 82, 84, 90, 105, 108, 121, 331, 366-68) For simplicity, only the term "GPS monitoring" is used herein.

of sentencing credit.

On November 1, 2022, the trial court heard Stafford's motion to reconsider. (R348) The State argued that section 5-4.5-100(b) did not apply because "home confinement"—as the State described Stafford's pretrial conditions—was not "custody." (R349-50) The trial court denied Stafford's motion. (R351; C172)

On June 13, 2023, after missing the deadline to file a late notice of appeal (see Ill. S. Ct. R. 606(c) (eff. Mar. 12, 2021)), Stafford filed a *pro se* motion for leave to file a late notice of appeal to raise the sentencing credit issue. On June 26, 2023, the appellate court denied Stafford's *pro se* motion and directed him to Illinois Supreme Court Rule 472 (eff. May 17, 2019), which allowed the trial court to hear the credit issue at any time. (C173) On August 7, 2023, Stafford filed a *pro se* "Motion to Correct Mittimus," seeking credit for the 629 days he spent on GPS monitoring. (C174-77, 179-83) On February 22, 2024, the trial court denied the motion. (R371; C200) Stafford moved to reconsider. (C202-03) The court denied the motion on April 4, 2024, and Stafford filed notice of appeal that same day. (R375-76; C206, 209, 220)

Before the appellate court, Stafford argued that the trial court erred in denying him sentencing credit for the time he spent on GPS monitoring prior to trial. *People v. Stafford*, 2025 IL App (2d) 240250, ¶ 11. Stafford acknowledged that two recent appellate court decisions, *People v. Donahue*, 2022 IL App (5th) 200274, and *People v. Currey*, 2024 IL App (2d) 230099, rejected similar arguments, but contended that those cases were wrongly decided. *Id.* Specifically, Stafford argued that *Donahue* wrongly defined "home detention" as used in section 5-8A-2 of the Electronic Monitoring and Home Detention law (730 ILCS 5/5-8A-2 (2022))

(hereafter section 5-8A-2) and applied this improper definition to section 5-4.5-100(b). *Id.* ¶ 43. Stafford further argued that *Donahue*'s interpretation produces absurd results that the legislature could not have intended. Specifically, that if "home detention" can exist only when the terms and conditions of release are established by a "supervising authority," and in the pretrial context, only the trial court can impose the terms and conditions of a defendant's release, then "home detention" cannot apply in the pretrial context. *Id.* ¶ 50.

The appellate court affirmed. *People v. Stafford*, 2025 IL App (2d) 240250, ¶ 61. The appellate court noted that in *Currey*, it had "followed *Donahue* but added no new analysis." *Id.* ¶ 39. Thus, the appellate court focused much of its discussion on the reasoning in *Donahue*. *Id.* ¶¶ 27-38. To put *Donahue* in context, the appellate court reviewed the pertinent case law leading up to and cited within *Donahue*, as well as certain statutory amendments. *Id.* ¶¶ 13-26. Turning to the merits, the appellate court noted that "[s]ection 5-4.5-100(b) does not define 'home detention,' but [section 5-8A-2] does." *Id.* ¶ 45. Thus, the appellate court agreed with *Donahue* that it must look to section 5-8A-2's definition of home detention to determine whether Stafford was entitled to credit under section 5-4.5-100(b). *Id.*

Ultimately, the appellate court held, in accord with *Donahue*, that Mr. Stafford was not entitled to credit because the plain language of section 5-8A-2 excludes from "home detention" any home confinement, with or without electronic monitoring, where the terms and conditions were established by the trial court, rather than a "supervising authority." *Id.* ¶¶ 47-48. Regarding Stafford's argument that this interpretation ignores recent statutory amendments and produces absurd results, the appellate court agreed that "instances in which the terms and conditions of

a defendant's release from jail are established by anyone other than the trial court will be rare indeed." *Id.* ¶ 51. The appellate court conceded "it is difficult to imagine a scenario in which a defendant is not on 'home detention' but is in 'custody' under section 5-4.5-100(b) of the Code of Corrections." *Id.* ¶ 52. Nonetheless, the appellate court declined to stray from the plain language of section 5-8A-2 because "[e]ven with the amendments to [section 5-4.5-100(b)] over several decades, it does not appear that the supreme court has retreated from its statements in *Ramos* and *Beachem* that confinement on bond with conditions set by the trial court can never be 'custody' under section 5-4.5-100(b)." *Id.* ¶ 52 (referring to *People v. Ramos*, 138 Ill.2d 152, 160, 162 (1990), and *People v. Beachem*, 229 Ill.2d 237, 249-54 (2008)).

This Court granted leave to appeal on November 26, 2025.

ARGUMENT

While released on bond prior to trial, Randall Stafford was confined to his home and subject to GPS monitoring that restricted his travel and movement. Thus, he was under home detention pursuant to the Unified Code of Corrections and is entitled to credit against his prison sentence for that time.

Randall Stafford did not receive credit against his prison sentence for the time he spent on pretrial home detention. The trial court denied his request for the credit at sentencing, and again at the hearing on the motion to reconsider sentence. (R331, 351) Stafford subsequently filed a *pro se* motion seeking credit for that time, supported by a copy of an email from the “Electronic Home Monitoring Coordinator” at the Kendall County Sheriff’s Office, indicating that he had been monitored from July 24, 2020 until April 14, 2022, for a total of 629 days. (C179-83) The trial court denied the motion. (R371) Because Stafford was entitled to the credit he sought, the trial court erred in denying his motion, and this Court should award him an additional 629 days credit.

The calculation of a defendant’s presentence custody credit is governed by Illinois statute, namely section 5-4.5-100 of the Unified Code of Corrections (Unified Code) (730 ILCS 5/5-4.5-100 (2022)). *People v. Young*, 2018 IL 122598, ¶ 19. Whether a defendant should receive presentence custody credit against his sentence is reviewed under the *de novo* standard of review. *People v. Jones*, 2015 IL App (4th) 130711, ¶ 12. In addition, resolution of this issue requires statutory construction, which is also reviewed *de novo*. *People v. Clark*, 2019 IL 122891, ¶ 17.

“The primary objective of statutory construction is to ascertain and give effect to the true intent of the legislature. All other canons and rules of statutory

construction are subordinate to this cardinal principle.” *Clark*, 2019 IL 122891, ¶ 18. The best indication of the legislature’s intent is the statutory language, given its plain and ordinary meaning. *Village of Lincolnshire v. Olvera*, 2025 IL 130775, ¶ 19. Where the statutory language is clear and unambiguous, it should be applied without resort to additional aids of statutory construction. *Id.* The statute must be viewed as a whole; indeed, words and phrases must be considered “in light of other relevant statutory provisions and not in isolation.” *Clark*, 2019 IL 122891, ¶ 18; see also *People v. McCarty*, 223 Ill.2d 109, 133 (2006) (“Under the doctrine of *in pari materia*, two statutes dealing with the same subject will be considered with reference to one another to give them harmonious effect.”). Relevant interpretive considerations include “the reason for the law, the problems sought to be remedied, the purposes to be achieved, and the consequences of construing the statute one way or another.” *Clark*, 2019 IL 122891, ¶ 20. Additionally, this Court presumes that the General Assembly did not intend absurdity, inconvenience, or injustice in enacting legislation. *Id.*

To put the issue here in proper context, a review of the relevant case law and statutory amendments is helpful, starting with *People v. Ramos*, 138 Ill.2d 152 (1990). As of 1988, when the defendant in *Ramos* was sentenced, section 5-8-1 of the Unified Code of Corrections (Ill. Rev. Stat. 1987, ch. 38, ¶ 1005-8-7 (later renumbered as section 5-4.5-100 (see Pub. Act 95-1052, § 5 (eff. July 1, 2009) (renumbering as 730 ILCS 5/5-4.5-100))) governed sentencing credit. Subsection (b) of section 5-8-7 provided day-for-day credit for “time spent in custody as a result of the offense for which the sentence was imposed.” *Ramos*, 138 Ill.2d at 154 (quoting Ill. Rev. Stat. 1987, ch. 38, ¶ 1005-8-7(b)). After being charged, the defendant in

Ramos was released on bond but was not allowed to leave home without permission from either the trial court or his probation officer. *Id.* During the 168 days between his pretrial release and his guilty plea, the defendant was allowed to leave home on only three occasions. *Id.* After he was sentenced, the defendant requested credit pursuant to section 5-8-7(b) for “the 168 days he spent in home confinement.” *Id.* The trial court denied that request, holding that the defendant had not been in “custody” for that period. *Id.*

This Court affirmed that denial of credit. *Id.* at 162. Given the statutory language at that time, this Court determined that the question before it was whether the time Ramos spent in home confinement following his release on bond was “time spent in custody” for purposes of section 5-8-7(b). *Id.* at 155. Relying on *People ex rel. Morrison v. Sielaff*, 58 Ill.2d 91 (1974), the Court held that while the term “custody” had been used in “various contexts to denote both confinement in a penal institution [citation] and time spent outside an institution [citation],” as used in section 5-8-7(b), it did not include “the period of time during which the defendant was released on bail but [was] predicated upon his confinement.” *Ramos*, 138 Ill.2d at 157-58 (quoting *Morrison*, 58 Ill.2d at 94). The Court reasoned:

“The purpose of the credit-against-sentence provision is to ensure that defendants do not ultimately remain incarcerated for periods in excess of their eventual sentences. [Citation.] Granting credit against a sentence of imprisonment for time previously spent in institutional custody clearly serves that purpose; granting credit for time spent while released on bond, even with the restrictive conditions imposed here, does not.

Home confinement, though restrictive, differs in several important respects from confinement in jail or prison. An offender who is detained at home is not subject to the regimentation of penal institutions and, once inside the residence, enjoys unrestricted freedom of activity, movement, and association. Furthermore, a defendant confined to his residence does not suffer the same surveillance and

lack of privacy associated with becoming a member of an incarcerated population.” *Id.* at 162.

Effective January 1, 1991, after *Ramos* was decided, the Unified Code was amended to add the Electronic Home Detention Law³ (Home Detention Law). See Pub. Act 86-1281, § 3 (eff. Jan. 1, 1991) (adding 730 ILCS 5/5-8A-1 *et seq.*). The Home Detention Law authorized “electronic home detention” for, among other things, defendants on pretrial detention. 730 ILCS 5/5-8A-3(f)(1) (1991). The Home Detention Law defined “home detention” as “the confinement of a person convicted [of] or charged with an offense to his or her place of residence under the terms and conditions established by the supervising authority.” *Id.* § 5-8A-2(B). In turn, “supervising authority” was defined as the “Department of Corrections, probation supervisory authority, sheriff, superintendent of municipal house of corrections or any other officer or agency charged with authorizing and supervising home detention.” *Id.* § 5-8A-2(D).

The General Assembly also amended section 5-8-7(b) to include additional language providing that:

“The offender shall be given credit on the determinate sentence *** for time spent in custody as a result of the offense for which the sentence was imposed, at the rate specified in Section 3-6-3 of this Code. *** [T]he trial court may give credit to the defendant for time spent in home detention, or when the defendant has been confined for psychiatric or substance abuse treatment prior to judgment, if the court finds that the detention or confinement was custodial.” Pub. Act 88-119, § 5 (eff. July 27, 1993) (amending 730 ILCS 5/5-8-7(b)).

Following this amendment, this Court revisited the issue of a defendant’s

³ In 2016, the name was changed to the Electronic Monitoring and Home Detention Law. See Pub. Act 99-797, § 10 (eff. Aug. 12, 2016) (amending 730 ILCS 5/5-8A-1).

eligibility for presentence custody credit in *People v. Beachem*, 229 Ill.2d 237 (2008). Section 5-8-7(b), as applicable in *Beachem*, contained the same language as the 1993 amendment. See 730 ILCS 5/5-8-7(b) (2004). The defendant in *Beachem* sought credit for time spent in the “Sheriff’s Day Reporting Center program” (Program). *Beachem*, 229 Ill.2d at 241. The Program was initiated to comply with a consent decree capping the population of the county jail. *Id.* at 240. The order required the sheriff to release certain prisoners, who would then undergo supervision administered by the sheriff’s office. *Id.* at 240-41. Each participant was subject to mandatory daily attendance at the Day Reporting Center (Center) and drug testing, and violations of Program rules could result in reincarceration. *Id.* The defendant spent 258 days in the Program but only 171 days reporting in person to the Center. *Id.* at 239. In the appellate court, *Beachem* sought credit for the full 258 days in the Program. *People v. Beachem*, 374 Ill.App.3d 145, 150 (1st Dist. 2007). The appellate court credited him for only the 171 days he actually reported to the Center. *Id.* at 153.

The Supreme Court affirmed. This Court noted that the issue turned on the meaning of “custody” in section 5-8-7(b). *Beachem*, 229 Ill.2d at 244. Because neither section 5-8-7(b) nor any other relevant statute defined the term, this Court concluded that it was ambiguous. *Id.* at 244, 246. The goal of the Court’s statutory interpretation was to determine “what degree of control the legislature intended when it used the term ‘custody’.” *Id.* at 246.

To answer this question, this Court recounted *Ramos*’s holding that being on monitoring while released on bond is not “custody.” *Id.* at 247. The *Beachem* Court concluded, however, that participation in the Program was not the same

as release on bond. *Id.* at 249-53. Ultimately, the Court found that Beachem was in “constructive custody” even when not physically present at the Center. *Id.* at 253. Further, even if physical confinement were needed to establish custody, Beachem had been physically confined for three to nine hours each day while he was at the Center, and his liberty was considerably restricted there. *Id.* Thus, this Court held that Beachem “was in ‘custody’ [constructive or physical] while participating in the Program for the purposes of section 5-8-7.” *Id.* at 253-54. However, because Beachem had not argued that he was entitled to credit for the 87 days he was in the Program but not at the Center (*id.* at 243 n.3), this Court affirmed the appellate court’s award of only 171 days. *Id.* at 255. This Court reasoned that Beachem, who was required to participate in the Sheriff’s program, did not post bond, unlike the defendant in *Ramos*, and Beachem’s failure to report to the program could “result in his being prosecuted for escape,” which supported a finding that Beachem was “in custody.” *Id.* at 253-54; but see *Clark*, 2019 IL 122891, ¶ 47 (holding that a defendant did not have to be in custody to be charged with escape under 720 ILCS 5/31-6(a), because the legislature did not expressly include custody as an element).

After *Beachem* was decided, the legislature recodified section 5-8-7(b) into section 5-4.5-100(b), and amended the statute to state that “the trial court shall give credit to the defendant for time spent in home detention ***. The trial court may give credit to the defendant for the number of days spent confined for psychiatric or substance abuse treatment prior to judgment, if the court finds that the detention or confinement was custodial.” Pub. Act 97-697, § 5 (eff. June 22, 2012) (amending 730 ILCS 5/5-4.5-100(b)). This amendment made the credit for “home detention”

mandatory and eliminated the requirement that the court determine whether the home detention was “custodial.” Compare 730 ILCS 5/5-4.5-100(b) (2012), with 730 ILCS 5/5-8-7 (1994).

Thereafter, Illinois appellate courts determining whether a defendant should be given credit for time spent on electronic monitoring as a condition of bond concluded that a defendant’s release on bond did not constitute “custody” as contemplated in *Ramos* and *Beachem*. *E.g., People v. Donahue*, 2022 IL App (5th) 200274, ¶¶ 20-32; *People v. Currey*, 2024 IL App (2d) 230099, ¶¶ 21-23.

In *Donahue*, the defendant was released on bail bond with several conditions, including an order for electronic monitoring. The order for electronic monitoring required the defendant to remain in his residence, except for work or other approved reasons. *Donahue*, 2022 IL App (5th) 200274, ¶¶ 4, 11. At the time Donahue was sentenced, section 5-4.5-100(b) provided, in relevant part, as follows:

“[T]he offender shall be given credit *** for the number of days spent in custody as a result of the offense for which the sentence was imposed. *** The trial court shall give credit to the defendant for time spent in home detention on the same sentencing terms as incarceration as provided in Section 5-8A-3 [citation].” 730 ILCS 5/5-4.5-100(b) (2020).

The Appellate Court, Fifth District, examined section 725 ILCS 5/110-10(b)(14) (2020), 730 ILCS 5/5-4.5-100(b) (2020), and 730 ILCS 5/5-8A-2(C) (2020) and found “home supervision” under the Procedure Code was distinct from “home detention” under the Unified Code. *Id.* ¶ 23. The version of section 5-4.5-100(b) in effect at that time did not define “home detention.” 730 ILCS 5/5-4.5-100(b) (2020). Thus, the Fifth District looked to the definition of “home detention,” which had since been moved to section 5-8A-2(C), and determined the definition of “home detention” required the defendant to be confined “under the terms and conditions established

by the supervising authority.” *Donahue*, 2022 IL App (5th) 200274, ¶¶ 14, 29 (quoting 730 ILCS 5/5-8A-2(C) (2020)). It further found the trial court, which set the conditions for the defendant’s release, was not included in the definition of “supervising authority” as contemplated by the Unified Code. *Id.* ¶ 32. Therefore, since the defendant was under home supervision and not under home detention as established by a supervising authority, Donahue was ineligible for sentencing credit. *Id.* ¶ 25.

In *Currey*, the Appellate Court, Second District, similarly determined that the defendant, who spent time before trial in “confined to his parent’s home on electronic monitoring,” had “commingled and conflated two key phrases: ‘home detention’ under section 5-4.5-100(b) of the [Unified Code] [citation], and ‘home supervision’ under the pretrial release provisions of section 110-10(b)(14) of the [Procedure Code].” *Currey*, 2024 IL App (2d) 230099, ¶ 21. Adding no additional analysis, the Second District agreed with the Fifth District’s decision in *Donahue*, and found the defendant did not meet the definition of “home detention” when he was released on bail bond with restrictions. The Second District noted this determination was “consistent with prior decisions holding that pretrial conditions never automatically qualify as ‘custody’ or ‘confinement’ for home detention sentence credit.” *Id.* ¶ 23 (collecting cases).

Finally, effective July 1, 2021, and applicable to Mr. Stafford, the General Assembly amended section 5-4.5-100 to provide, in relevant part:

“[T]he offender shall be given credit on the determinate sentence *** for the number of days spent in custody as a result of the offense for which the sentence was imposed. *** The trial court shall give credit to the defendant for time spent in home detention on the same sentencing terms as incarceration as provided in Section 5-8A-3 [citation]. Home detention for purposes of credit includes restrictions

on liberty such as curfews restricting movement for 12 hours or more per day and electronic monitoring that restricts travel or movement.” Pub. Act 101-652, § 10-281 (eff. July 1, 2021) (amending 730 ILCS 5/5-4.5-100(b)).

In the same Public Act, the legislature similarly broadened the definition of “home detention” in the Home Detention law as follows:

“‘Home detention’ means the confinement of a person convicted or charged with an offense to his or her place of residence under the terms and conditions established by the supervising authority. Confinement need not be 24 hours per day to qualify as home detention, and significant restrictions on liberty such as 7pm to 7am curfews shall qualify. Home confinement may or may not be accompanied by electronic monitoring, and electronic monitoring is not required for purposes of sentencing credit.” *Id.* (amending 730 ILCS 5/5-8A-2(C)).

Thus, the plain language of section 5-4.5-100(b) in effect at the time Stafford was sentenced expressly provides a definition of “home detention for purposes of credit” as including “restrictions on liberty such as curfews restricting movement for 12 hours or more per day and electronic monitoring that restricts travel or movement.” 730 ILCS 5/5-4.5-100(b) (2022). The amended statute’s plain language evinces the legislature’s intent to provide a specific definition of home detention that applies for purposes of credit under that statute. See *Clark*, 2019 IL 122891, ¶ 18; *Olvera*, 2025 IL 1300775, ¶ 19.

Inexplicably, in its analysis below, the appellate court stated that “[s]ection 5-4.5-100(b) does not define ‘home detention,’” and thus held that it had to consider whether Stafford was in home detention as defined by section 5-8A-2. *People v. Stafford*, 2025 IL App (2d) 240250, ¶ 45. The appellate court went on to find, in accord with *Donahue*, that whether a defendant is in “home detention” depends solely on section 5-8A-2 and whether the terms and conditions of the defendant’s home confinement were established by a supervisory authority. *Id.* ¶ 48.

Here, Stafford was released on bond prior to trial on the condition that he submit to GPS monitoring and comply with all the conditions of the GPS monitoring program. Among those conditions was the requirement that he remain confined within the structure of his residence at all times, except that with prior permission from the organization responsible for the GPS monitoring—initially the probation department and later, the sheriff’s office—he was permitted to leave his residence to travel to specified locations using pre-approved routes. (C9-11, 67) In other words, Stafford was subject to electronic monitoring and a curfew restricting his travel or movement for 24 hours per day. This indisputably satisfies the clear and unambiguous definition of “home detention for purposes of credit” in the applicable amended section 5-4.5-100(b). See 730 ILCS 5/5-4.5-100(b) (2022). As such, there is no need to look beyond section 5-4.5-100(b). See *Olvera*, 2025 IL 130775, ¶ 19.

However, even if this Court considers the definition of home detention in section 5-4.5-100(b) along with the amendments to the definition of home detention in section 5-8A-2(C) that were made in the same Public Act, (see *Clark*, 2019 IL 122891, ¶ 18) the same result obtains. Considering both statutes together, it follows that a defendant is entitled to presentence custody credit for the number of days during which he was on pretrial release and subject to a condition that constituted a “significant restriction[] on [his] liberty.” See 730 ILCS 5/5-4.5-100(b), 5-8A-2(C) (2022). The statutes provide examples of what the legislature considered significant restrictions on liberty. First, section 5-4.5-100(b) unequivocally states that “curfews restricting movement for 12 hours or more per day and electronic monitoring that restricts travel or movement” constitute “home detention for purposes of credit[.]”

730 ILCS 5/5-4.5-100(b) (2022). And section 5-8A-2(C) similarly provides that “significant restrictions on liberty, such as 7pm to 7am curfews shall qualify [as home detention].” 730 ILCS 5/5-8A-2(C) (2022). As discussed above, as a condition of his bond, Stafford was required, with certain exceptions, to stay within his home 24 hours per day, more than satisfying the 12-hour curfew example provided in both section 5-8A-2(C) and section 5-4.5-100(b). Moreover, while neither section 5-4.5-100(b) or 5-8A-2(C) require electronic monitoring for a defendant’s pretrial home confinement to count for purposes of sentencing credit, Stafford was electronically monitored via GPS with conditions restricting his travel or movement. Thus, Stafford was undeniably on “home detention for purposes of credit” and the trial court was required to give him credit against his prison sentence for that time. See 730 ILCS 5/5-4.5-100(b), 5-8A-2(C) (2022).

This Court’s prior decisions in *Ramos* and *Beachem* do not compel a different result. In both cases, this Court analyzed prior versions of the relevant statutes, which did not contain the language at issue here, to determine whether the defendant’s pretrial home confinement was tantamount to “custody” as the legislature then defined it. *Ramos*, 138 Ill.2d at 156-60; *Beachem*, 229 Ill.2d at 244-54. Essentially, *Ramos* and *Beachem* interpret versions of the statutes that no longer exist.

Even a cursory look at the history of section 5-4.5-100 of the Unified Code since those cases reveals that, for some years, the Illinois legislature has been steadily expanding the system of custody credit for pretrial confinement to one’s residence. The statute went from providing that “the trial court *may* give credit to the defendant for time spent in home detention, *** *if* the court finds that the

detention *** was custodial,” 730 ILCS 5/5-4.5-100(b) (2009) (emphases added); to providing that “the trial court *shall* give credit to the defendant for time spent in home detention on the same sentencing terms as incarceration,” without requiring the court to find the detention custodial. 730 ILCS 5/5-4.5-100(b) (2013) (emphasis added). Section 5-4.5-100(b)’s most recent amendment, effective July 1, 2021, resolved the ambiguity issue this Court faced in *Beachem*: that “nothing in the context of the statute provides any indication as to the appropriate definition [of the term custody].” *Beachem*, 229 Ill.2d at 246. Section 5/5-4.5-100(b) now states that “[h]ome detention for purposes of credit includes restrictions on liberty such as curfews restricting movement for 12 hours or more per day and electronic monitoring that restricts travel or movement.” 730 ILCS 5/5-4.5-100(b)(2022). The statute goes further and states that “[e]lectronic monitoring is not required for home detention to be considered custodial for purposes of sentencing credit.” *Id.*

Thus, the legislature has clarified the ambiguities identified in *Ramos* and *Beachem*. See *Ramos*, 138 Ill.2d at 161-62; *Beachem*, 229 Ill.2d at 246. In amending the statutes following those decisions, the legislature demonstrated its intent not to acquiesce to judicial constructions. See *Blount v. Stroud*, 232 Ill.2d 302, 324 (2009) (internal quotation marks omitted) (noting the jurisprudential principle that “[w]here the legislature chooses not to amend a statute after a judicial construction, it will be presumed that it has acquiesced in the court’s statement of the legislative intent.”)

Because *Ramos* and *Beachem* interpret versions of the statutes that no longer exist, and the legislative history reflects the General Assembly’s intent to grant

presentence custody credit for the number of days a defendant was on pretrial release and subject to a condition that constituted a significant restriction on his liberty, *Ramos* and *Beachem* are no longer good law and should not be followed. The recent appellate court decisions in *Donahue* and *Currey* also interpreted prior versions of the statutes and followed the reasoning in *Ramos* and *Beachem*. *Donahue*, 2022 IL App (5th) 200274, ¶¶ 20-32; *Currey*, 2024 IL App (2d) 230099, ¶¶ 21-23. Thus, *Donahue* and *Currey* likewise do not apply to the amended statutes at issue here and the appellate court should not have relied on them.

Ignoring the definition of “home detention for purposes of credit” provided in the applicable version of section 5-4.5-100(b) (see 730 ILCS 5/5-4.5-100(b) (2022)), the appellate court instead followed *Donahue* and found that Stafford was not on “home detention” as defined in section 5-8A-2(C) because the terms and conditions of his confinement were established by the trial court, rather than a “supervising authority.” *Stafford*, 2025 IL App (2d) 240250, ¶¶ 45-48. As asserted above, because section 5-4.5-100(b) now defines “home detention for purposes of credit,” there is no need to look to section 5-8A-2(C) to discern the definition of home detention for purposes of credit. Indeed, the definition of “home detention for purposes of credit,” does not mention a “supervising authority” at all. See 730 ILCS 5/5-4.5-100(b) (2022). Instead, the definition focuses on the actual terms and conditions imposed, rather than who sets them, evincing the legislature’s intent that “for purposes of credit,” it does not matter who set the conditions, but rather, what those conditions are. Given that prior versions of the statutes and the cases interpreting them concerned themselves with whether the home detention was “custodial,” it makes sense that legislature intended to define “home detention” based on the conditions

imposed, rather than on who imposed them. See *Clark*, 2019 IL 122891, ¶ 20 (stating that relevant interpretive considerations include “the reason for the law, the problems sought to be remedied, the purposes to be achieved, and the consequences of construing the statute one way or another.”) Further supporting the idea that the legislature intended to focus on conditions of confinement to define “home detention,” rather than who set them, the amended version of section 5-8A-2(C) also discusses the terms of confinement and says that “[c]onfinement need not be 24 hours per day to qualify as home detention,” but that “significant restrictions on liberty such as [12-hour] curfews shall qualify.” 730 ILCS 5/5-8A-2(C) (2022). significant restrictions on liberty

It is true that the amended definition of “home detention” in section 5-8A-2(C) still provides that home detention “means the confinement of a person convicted or charged with an offense to his or her place of residence under the terms and conditions established by the supervising authority.” *Id.* But the legislature could not have meant for the “supervising authority” language carried over from the pre-amended version of the statute to trump the language about the terms of confinement added by the amendment, as that would produce absurd results. See *Clark*, 2019 IL 122891, ¶ 20 (stating that the Court presumes that in enacting legislation, the General Assembly did not intend absurdity, inconvenience, or injustice). If the controlling factor on whether someone may be considered to be in home detention is whether the conditions were set by a supervising authority, that greatly—if not nearly completely—eliminates home detention in a pretrial context, because it is the trial court that imposes conditions of pretrial release, including electronic monitoring, GPS monitoring, home confinement and restrictions

on travel or movement. See 725 ILCS 5/110-5, 110-10 (2026). Thus, the appellate court's holding here, following *Donohue*, that a person cannot be on "home detention" if they are released from jail on terms and conditions set by the trial court, makes the amendments to both section 5-4.5-100(b) and 5-8A-2(C) meaningless. This begs the question that if the legislature did not intend to give someone credit toward their sentence in this scenario, why would the legislature specifically include language that contradicts that intent? Why add the amendatory language about the terms and conditions if "home detention" can never exist in a pretrial context?

In response to this argument, the appellate court noted that in *Beachem*, which involved the Sheriff's Day Reporting Center, the trial court released the defendant from jail, but the terms and conditions of his ensuing confinement were established by the sheriff, a "supervising authority" under section 5-8A-2. *Stafford*, 2025 IL App (2d) 240250, ¶ 51. Nonetheless, the appellate court conceded that "(1) *Beachem* appears to be unique among precedential cases in this regard and (2) instances in which the terms and conditions of a defendant's release from jail are established by anyone other than the trial court will be rare indeed." *Id.* The appellate court further conceded that "it is difficult to imagine a scenario in which a defendant is not on 'home detention' but is in 'custody' under section 5-4.5-100(b)[.]" *Id.* ¶ 52. Ultimately, appellate court dismissed these concerns, stating that "[a]ny concern with the narrowness of section 5-4.5-100(b) application must be addressed by the legislature, not this court." *Id.* ¶ 54. Contrary to the appellate court's opinion, this is not "narrowness," it is absurdity, and this Court should not adopt it.

In sum, Randall Stafford is entitled to credit against his prison sentence for the 629 days he spent on home detention within the meaning of sections

5-4.5-100(b) and 5-8A-2(C) of the Uniform Code prior to sentencing. Accordingly, the judgments of the appellate and trial courts denying Stafford credit should be reversed and this Court should award him an additional 629 days of credit toward his sentence. See *People v. Johnson*, 401 Ill.App.3d 678, 685 (2d Dist. 2010) (modifying a judgment order to reflect additional sentencing credit the defendant was entitled to).

CONCLUSION

For the foregoing reasons, Randall Stafford respectfully requests that this Court award him an additional 629 days of credit toward his prison sentence.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages contained in 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, is 24 pages.

/s/ Jaime L. Montgomery
JAIME L. MONTGOMERY
Assistant Deputy Defender

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SECOND JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT
KENDALL COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

Plaintiff/Petitioner

Reviewing Court No: 2-24-0250

Circuit Court/Agency No: 2020CF000134

Trial Judge/Hearing Officer: HONORABLE ROBERT
PILMER

v.

RANDALL M. STAFFORD II

Defendant/Respondent

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KENDALL COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

Plaintiff/Petitioner

Reviewing Court No: 2-24-0250

Circuit Court/Agency No: 2020CF000134

Trial Judge/Hearing Officer: HONORABLE ROBERT
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v.

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PEOPLE OF THE STATE OF ILLINOIS

Plaintiff/Petitioner

Reviewing Court No: 2-24-0250

Circuit Court/Agency No: 2020CF000134

Trial Judge/Hearing Officer: HONORABLE ROBERT

v.

2

PILMER

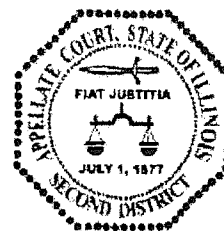
RANDALL M. STAFFORD II

Defendant/Respondent

E-FILED

Transaction ID: 2-24-0250

File Date: 5/8/2024 10:35 AM

Jeffrey H. Kaplan, Clerk of the Court
APPELLATE COURT 2ND DISTRICT

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YORKVILLE, ILLINOIS 60560

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2-24-0250

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SECOND JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT
KENDALL COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

Plaintiff/Petitioner

Reviewing Court No: 2-24-0250

Circuit Court/Agency No: 2020CF000134

Trial Judge/Hearing Officer: HONORABLE ROBERT

PILMER

v.

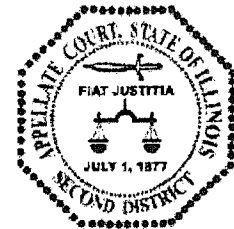
2

RANDALL M. STAFFORD II

Defendant/Respondent

E-FILED
Transaction ID: 2-24-0250
File Date: 5/8/2024 10:35 AM

Jeffrey H. Kaplan, Clerk of the Court
APPELLATE COURT 2ND DISTRICT

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		20CF134 PLTF EXH #3 CLOSE UP OF	E 6 (Volume 1)
		BREANNA PILOTTE FACE 4-14-22	
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YORKVILLE, ILLINOIS 60560

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STATE OF ILLINOIS, CIRCUIT COURT KENDALL COUNTY	SENTENCING ORDER	FILED IN OPEN COURT JUN 24 2022 MATTHEW G. PROCHASKA CIRCUIT CLERK KENDALL CO.
THE PEOPLE OF THE STATE OF ILLINOIS, v. <u>Randall Stafford</u> Defendant (First, middle, last name)		Case Numbers <u>20CF134</u>
States Attorney <u>Shi. Aka</u>	Def. Attorney <u>Erwin</u>	
Court Reporter <u>KN</u>	Deputy Clerk <u>AF</u>	

1. Fines

- ☒ DEFENDANT ADMONISHMENT: 705 ILCS 135/5-5 (effective July 1, 2019) established a minimum fine of
☐ \$25 for a minor traffic offense and ☒ \$75 for any other offense, unless otherwise provided by law.

- ☐ If applicable, DEFENDANT HAS BEEN ADMONISHED of his/her right to elect whether he/she will be sentenced under the law in effect at the time of the offense or at the time of sentencing.

Defendant has elected (Check one):

- ☐ He/she will be sentenced under the law in effect at the time of the offense;
☐ He/she will be sentenced under the law in effect at the time of the time of sentencing.

PLEA: ☒ NOT GUILTY ☐ GUILTY FINDING BY: ☒ COURT ☐ JURY SENTENCE IS: ☐ AGREED ☒ CONTESTED

☒ CONVICTION TO ENTER ☐ PROBATION ☐ CONDITIONAL DISCHARGE ☐ COURT SUPERVISION
☐ WITHHOLD JUDGMENT ☐ PROBATION per 730 ILCS 5/5-6-3.4 ☐ PROBATION per 730 ILCS 550/10 OR 570/410
 For a period of _____ months until _____/_____/_____ at _____:____ a.m.

Offense Aggravated Domestic Battery a Class 2 Misdemeanor/Felony \$ 1,770⁰⁰
 Offense 720 ILCS 5/12-3.3 (a-s) a Class _____ Misdemeanor/Felony \$ _____
 Offense _____ a Class _____ Misdemeanor/Felony \$ _____
Total Fine Amount \$ 1770⁰⁰

2. Criminal Assessment (Check the highest class offense only)

- | | |
|--|----------------------------|
| ☒ Schedule 1: Generic Felony (705ILCS135/15-5) \$549 | <u>\$ 549⁰⁰</u> |
| ☐ Schedule 2: Felony DUI (705ILCS135/15-10) \$1709 | \$ _____ |
| ☐ Schedule 3: Felony Drug Offense (705ILCS135/15-15) \$2215 | \$ _____ |
| ☐ Schedule 4: Felony Sex Offense (705ILCS135/15-20) \$1314 | \$ _____ |
| ☐ Schedule 5: Generic Misdemeanor (705ILCS135/15-25) \$439 | \$ _____ |
| ☐ Schedule 6: Misdemeanor DUI (705ILCS135/15-30) \$1381 | \$ _____ |
| ☐ Schedule 7: Misdemeanor Drug Offense (705ILCS135/15-35) \$905 | \$ _____ |
| ☐ Schedule 8: Misdemeanor Sex Offense (705ILCS135/15-40) \$1184 | \$ _____ |
| ☐ Schedule 9: Major Traffic Offense (705ILCS135/15-45) \$325 | \$ _____ |
| ☐ Schedule 10: Minor Traffic Offense (705ILCS135/15-50) \$226 | \$ _____ |
| ☐ Schedule 10.5: Truck Weight/load Off (705ILCS135/15-52) \$260 | \$ _____ |
| ☐ Schedule 11: Conservation Offense (705ILCS135/15-55) \$195 | \$ _____ |
| ☐ Schedule 13: Non-Traffic Violation (705ILCS135/15-65) \$100 | \$ _____ |

Total Criminal Assessment Amount \$ 549⁰⁰

1 OF 3

3. Conditional Assessment (Check all that apply)

- ☐ Arson/residential arson/aggravated arson (705ILCS135/15-70(1)) \$500 for each Conviction \$ _____
☐ Child pornography (705ILCS135/15-70(2)) \$500 for each conviction \$ _____
☐ Crime lab drug analysis (705ILCS135/15-70(3)) \$100 \$ _____
☐ DNA analysis (705ILCS135/15-70(4)) \$250 \$ _____
☐ DUI analysis (705ILCS135/15-70(5)) \$150 \$ _____
☐ Drug related offense, possession/delivery (705ILCS135/15-70(6)) Street Value \$ _____
☐ Methamphetamine related offense, possession/manufacture (705ILCS135/15-70(7))
 Street Value \$ _____
☐ Order of protection violation (705ILCS135/15-70(8)) \$200 for each conviction \$ _____
☐ Order of protection violation (705ILCS135/15-70(9)) \$25 for each conviction \$ _____
☐ States Attorney petty or business offense (705ILCS135/15-70(10)(a)) \$4 \$ _____
☐ States Attorney conservation or traffic offense (705ILCS135/15-70(10)(b)) \$2 \$ _____
☒ Guilty plea or no contest, DV against family member (705ILCS135/15-70(13)) \$200
 for each sentenced violation \$ 200⁰⁰
☐ EMS response reimbursement vehicle/snowmobile/boat violation (705ILCS135/15-70(14))
 Max Amount is \$1000 \$ _____
☐ EMS response reimbursement controlled substances (705ILCS135/15-70(15)) Max
 amount is \$1000 \$ _____
☐ EMS response reimbursement reckless driving/aggravated reckless driving/speed in excess
 26 mph (705ILCS135/15-70(16)) Max amount is \$1000 \$ _____
☐ Weapons violation, Trauma Center Fund (705ILCS135/15-70(18)) \$100 for each conviction \$ _____
Total Conditional Assessment Amount \$ 200⁰⁰

4. Other Assessments

- ☐ Restitution (See supplemental order) \$ _____
☐ Probation/Supervision Fee \$ _____ months x _____ months until ____/____/____ :____ am \$ _____
☐ Comply with all conditions set out in the corresponding order.
☐ Shall not violate any laws of any jurisdiction, including Federal, State or Local Ordinances.
☐ Public Defender assessment \$ _____
☐ Victim Impact Panel \$ _____
☐ Kendall County Jail Weekend/Work Release Fee \$ _____
☐ GPS Fee \$ _____
☒ DNA Indexing Fee Waived due to prior felony convictions \$ _____
☐ Other \$ _____

5. Credits (to be applied before offsets)

- ☒ Bond Applied \$ 30⁰⁰ (\$ 749⁰⁰)
☒ Credit for time served 59 day(s) x 35 day credit (\$ 1720⁰⁰)
Total Credits (\$ 2519⁰⁰)

WAIVER SECTION

Total amount due shall be paid by _____.

Total Amount Due \$ 0⁰⁰

Unless a court ordered payment schedule is implemented or the assessment requirements of this Act are waived under a court order, the Clerk of the Circuit Court may add to any unpaid assessments under this Act a delinquency amount equal to 5% of the unpaid assessments that remain unpaid after 30 days, 10% of unpaid assessments that remain unpaid after 60 days and 15% of the unpaid assessments that remain unpaid after 90 days. (705 ILCS 135/5-10(e))

INCARCERATION

- ☐ _____ day(s) in Kendall County Jail (See Imprisonment Order)
- ☒ 6 year(s) 0 month(s) in Illinois Department of Corrections 4 year(s) mandatory supervised release.
- ☐ Impact Incarceration Recommendation ☐ Extended Term Sentence per 730 ILCS 5/5-8-2 ☒ MSR per 730 ILCS 5/5-8-1(a)(6)
- ☐ Class X Sentencing per 730 ILCS 5/5-4.5-95(b) ☒ Truth-In Sentencing per 730 ILCS 5/3-6.3
- ☐ _____ weekend(s) to commence ____/____/____ at 6:00 p.m. plus \$20.00 per weekend fee (see imprisonment Order)
- *** All weekends are consecutive and are from 6:00 p.m. on Friday to 6:00 p.m. on Sunday ***
- ☐ _____ day(s) periodic imprisonment (see Supplemental Sentencing Order) plus \$10.00 per day fee.
- ☒ Incarceration shall commence instant. ☐ Incarceration shall commence on ____/____/____ at _____ a.m./p.m.
- ☒ No Day for Day Credit ☐ Day for Day Credit ☒ Credit for 131 actual days served from 5/14/20 to 7/9/20
55% 10/3/20 to 10/4/20
4/14/22 to 6/24/22

COUNSELING

- ☐ Shall complete evaluation within ____ days for ☐ Alcohol/Drug ☐ Anger Management ☐ Psychological _____ and successfully complete all recommended counseling and aftercare as a condition of probation.
- ☐ Shall complete Level ____ alcohol counseling per alcohol evaluation / subject to modification by alcohol evaluation.
- ☐ Shall complete an Illinois Certified Domestic Violence Counseling Program.
- ☐ Shall complete T.A.S.C. and all recommended aftercare as a condition of probation.

OTHER CONDITIONS

- ☐ _____ hour(s) of Public Service Work as arranged by Court Services.
- ☐ _____ days(s) on the (Global Positioning System) or SCRAM Program) at \$_____ per day (See Supplemental Order)
- ☐ Shall have no contact/no harmful or offensive contact with _____.
- ☐ Shall not enter upon the property of _____.
- ☐ Shall refrain from direct or indirect contact with any street gang member(s).
- ☐ Register pursuant to: ☐ Sex Offender Registration Act (730 ILCS 150/1) ☐ Violent Offender Against Youth Act (730 ILCS 154/1)
- ☐ HIV (Human Immunodeficiency Virus) / STD (Sexually Transmitted Disease) testing (730 ILCS 5/5-5-3(g)).
- ☐ Shall submit a blood specimen for genetic marking purpose (730 ILCS 5/5-4-3).
- ☒ Shall submit to DNA Indexing (Felony only) plus \$250.00 fee (730 ILCS 5/5-4-3(a)).

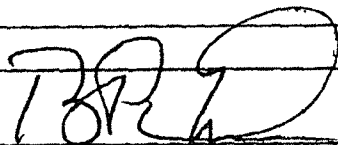
- ☒ Said sentence shall run ☒ Concurrent ☐ Consecutive to the sentence imposed in Kendall County, case number 19TR5798
- ☐ Defendant shall report and appear before this court for a status review on ____/____/____ at ____ a.m.

ALL TERMS AND CONDITIONS TO BE COMPLETED BY SAID DATE.

- ☐ Defendant waives personal service of a Petition to Revoke. ☐ A motor vehicle was used in the commission of a Felony Offense.
- ☐ The Court verifies that the offense(s) were/were not sexually motivated pursuant to 730 ILCS 154/86.
- ☐ The Defendant has been advised as to the penalties under the Federal Gun Control Act of 1968.
- ☒ The following cases and or counts are hereby Nolle Prosequi: 20 cm 204
- ☐ Other: _____

6/24/22

Date



Judge

I am the Defendant and I have read and understand this Sentencing Order.

Signature of Defendant

**IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT
KENDALL COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,) CASE NO(S): 20 CF 134
Plaintiff,)
vs.)
RANDALL STAFFORD, II)
Defendant,)
State's Attorney EW Defendant's Attorney CW
Court Reporter Kathy Nielsen Deputy Clerk DM

ORDER

This cause coming before the Court, the Court being fully advised in the premises, and having jurisdiction of the subject matter, the defendant:

☐ is present In Person ☒ is present in custody IDOC did not appear
☐ present with interpreter/language line ☐ Other _____

On Motion of ☐ Defendant ☐ Prosecution ☐ Court ☒ Agreement

Case Continued To _____ **at** 9:00 a.m. **Courtroom No.** 115

Defendant must appear in person: ☐

For: ☐ Return with Attorney ☐ Set Preliminary Hearing ☐ Preliminary Hearing/Arraignment
☐ Pretrial ☐ Final Pretrial ☐ Trial Setting ☐ Final Trial Setting
☐ Bench Trial ☐ Final Jury Setting ☐ 402 Conference ☐ Setting of PTR
☐ Status Review _____
☐ Hearing on Motion/Petition to _____

The defendant has:

☐ waived right to preliminary hearing ☐ been arraigned instanter ☐ S.C.R. 402 admonishment
☐ been admonished of extended term ☐ been advised of trial/hearing in absentia

It is further ordered:

☐ Writ Continued ☐ Speedy Trial Tolted ☐ Subpoenas Continued ☐ Public Defender Appointed
☐ Strike Future Dates ☐ Warrant quashed and recalled instanter (DOB:
(Copy of Order to be sent to Ken Com by Circuit Clerk)
☐ Issue warrant forthwith, Bail set at \$ _____ ☐ 10% to apply ☐ Full Cash Bond
☐ Clerk to send bond forfeiture notice ☐ Judgment entered on bond forfeiture
☐ Copy of this order to be sent to: Defendant's Attorney _____
☒ Other: Defendant's Motion to Correct the Mitimus is denied for reasons set forth in the record.

Date: 02/22/2024

Robert Pilmer

Digitally signed by Robert
Pilmer
Date: 2024.02.22 11:25:19
-06'00'

Judge

MATTHEW G. PROCHASKA, Clerk of the Circuit Court
Kendall County, Illinois
On April 04, 2024 at 11:03 AM by CDW
Transaction number: 014206602-01

IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT KENDALL COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,) CASE NO(S): 20 CF 134
Plaintiff,)
vs.)
RANDALL STAFFORD, II)
Defendant,)
State's Attorney EW Defendant's Attorney CW
Court Reporter Kathy Nielsen Deputy Clerk CW

ORDER

This cause coming before the Court, the Court being fully advised in the premises, and having jurisdiction of the subject matter, the defendant:

☐ is present In Person ☐ is present in custody ☒ did not appear
☐ present with interpreter/language line ☐ Other _____

On Motion of ☐ Defendant ☐ Prosecution ☐ Court ☒ Agreement

Case Continued To _____ at 9:00 a.m. Courtroom No. 115

Defendant must appear in person: ☐

For: ☐ Return with Attorney ☐ Set Preliminary Hearing ☐ Preliminary Hearing/Arraignment
☐ Pretrial ☐ Final Pretrial ☐ Trial Setting ☐ Final Trial Setting
☐ Bench Trial ☐ Final Jury Setting ☐ 402 Conference ☐ Setting of PTR
☐ Status Review _____
☐ Hearing on Motion/Petition to _____

The defendant has:

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☐ been admonished of extended term ☐ been advised of trial/hearing in absentia

It is further ordered:

☐ Writ Continued ☐ Speedy Trial Told ☐ Subpoenas Continued ☐ Public Defender Appointed
☐ Strike Future Dates ☐ Warrant quashed and recalled instanter (DOB: _____)
(Copy of Order to be sent to Ken Com by Circuit Clerk)
☐ Issue warrant forthwith, Bail set at \$ _____ ☐ 10% to apply ☐ Full Cash Bond
☐ Clerk to send bond forfeiture notice ☐ Judgment entered on bond forfeiture
☐ Copy of this order to be sent to: Defendant's Attorney _____
☒ Other: Motion to Reconsider filed by defendant's attorney is denied, Defendant files Notice of Appeal filed instanter OSAD appointed.

Date: 04/04/2024

Robert Palmer

Digitally signed by Robert
Palmer
Date: 2024.04.04 10:06:12
-05'00'

Judge

No. 2-24-0250

IN THE
APPELLATE COURT OF ILLINOIS
SECOND JUDICIAL DISTRICT

FILED
MAY 01 2024
MATTHEW G. PROCHASKA
CIRCUIT CLERK KENDALL CO.

PEOPLE OF THE STATE OF	)	Appeal from the Circuit Court of
ILLINOIS,	)	the Twenty-Third Judicial Circuit,
	)	Kendall County, Illinois
Plaintiff-Appellee,	)	
	)	No. 20 CF 134
-vs-	)	
	)	
RANDALL STAFFORD,	)	Honorable
	)	Robert P. Pilmer,
Defendant-Appellant.	)	Judge Presiding.

AMENDED NOTICE OF APPEAL

An appeal is taken to the Appellate Court, Second District, from the judgment described below:

Appellant's Name:	Randall Stafford Register No. B35890
Appellant's Address:	Robinson Correctional Center 13423 East 1150th Avenue Robinson, IL 62454
Appellant's Attorney:	Office of the State Appellate Defender
Appellant's Attorney's Address:	One Douglas Avenue, Second Floor Elgin, IL 60120
Offense of which convicted:	Aggravated domestic battery
Dates of Orders:	February 22, 2024 & April 4, 2024
Sentence:	6 years
Orders appealed:	Denial of motion to correct mittimus and denial of motion to reconsider

Respectfully submitted,

By:

Christopher McCoy

Christopher McCoy, Deputy Defender

STATE OF ILLINOIS, CIRCUIT COURT KENDALL COUNTY	SENTENCING ORDER	FILED IN OPEN COURT JUN 24 2022 MATTHEW G. PROCHASKA CIRCUIT CLERK KENDALL CO.
THE PEOPLE OF THE STATE OF ILLINOIS, v. <u>Randall Stafford</u> Defendant (First, middle, last name)		Case Numbers <u>20CF134</u>
States Attorney <u>Shi. Aka</u>	Deft. Attorney <u>Erwin</u>	
Court Reporter <u>KN</u>	Deputy Clerk <u>AF</u>	

1. Fines

- ☒ DEFENDANT ADMONISHMENT: 705 ILCS 135/5-5 (effective July 1, 2019) established a minimum fine of
☐ \$25 for a minor traffic offense and ☒ \$75 for any other offense, unless otherwise provided by law.

- ☐ If applicable, DEFENDANT HAS BEEN ADMONISHED of his/her right to elect whether he/she will be sentenced under the law in effect at the time of the offense or at the time of sentencing.

Defendant has elected (Check one):

- ☐ He/she will be sentenced under the law in effect at the time of the offense;
☐ He/she will be sentenced under the law in effect at the time of the time of sentencing.

PLEA: ☒ NOT GUILTY ☐ GUILTY FINDING BY: ☒ COURT ☐ JURY SENTENCE IS: ☐ AGREED ☒ CONTESTED

☒ CONVICTION TO ENTER ☐ PROBATION ☐ CONDITIONAL DISCHARGE ☐ COURT SUPERVISION
☐ WITHHOLD JUDGMENT ☐ PROBATION per 730 ILCS 5/5-6-3.4 ☐ PROBATION per 730 ILCS 550/10 OR 570/410
 For a period of _____ months until ____/____/____ at ____:____ a.m.

Offense Aggravated Domestic Battery a Class 2 Misdemeanor (Felony) \$ 1,770⁰⁰
 Offense 720 ILCS 5/12-3.3 (a-5) a Class _____ Misdemeanor/Felony \$ _____
 Offense _____ a Class _____ Misdemeanor/Felony \$ _____
Total Fine Amount \$ 1,770⁰⁰

2. Criminal Assessment (Check the highest class offense only)

- | | |
|--|---------------------------|
| ☒ Schedule 1: Generic Felony (705ILCS135/15-5) \$549 | <u>\$549⁰⁰</u> |
| ☐ Schedule 2: Felony DUI (705ILCS135/15-10) \$1709 | \$ _____ |
| ☐ Schedule 3: Felony Drug Offense (705ILCS135/15-15) \$2215 | \$ _____ |
| ☐ Schedule 4: Felony Sex Offense (705ILCS135/15-20) \$1314 | \$ _____ |
| ☐ Schedule 5: Generic Misdemeanor (705ILCS135/15-25) \$439 | \$ _____ |
| ☐ Schedule 6: Misdemeanor DUI (705ILCS135/15-30) \$1381 | \$ _____ |
| ☐ Schedule 7: Misdemeanor Drug Offense (705ILCS135/15-35) \$905 | \$ _____ |
| ☐ Schedule 8: Misdemeanor Sex Offense (705ILCS135/15-40) \$1184 | \$ _____ |
| ☐ Schedule 9: Major Traffic Offense (705ILCS135/15-45) \$325 | \$ _____ |
| ☐ Schedule 10: Minor Traffic Offense (705ILCS135/15-50) \$226 | \$ _____ |
| ☐ Schedule 10.5: Truck Weight/load Off (705ILCS135/15-52) \$260 | \$ _____ |
| ☐ Schedule 11: Conservation Offense (705ILCS135/15-55) \$195 | \$ _____ |
| ☐ Schedule 13: Non-Traffic Violation (705ILCS135/15-65) \$100 | \$ _____ |

Total Criminal Assessment Amount \$ 549⁰⁰

1 OF 3

3. Conditional Assessment (Check all that apply)

- ☐ Arson/residential arson/aggravated arson (705ILCS135/15-70(1)) \$500 for each Conviction \$ _____
☐ Child pornography (705ILCS135/15-70(2)) \$500 for each conviction \$ _____
☐ Crime lab drug analysis (705ILCS135/15-70(3)) \$100 \$ _____
☐ DNA analysis (705ILCS135/15-70(4)) \$250 \$ _____
☐ DUI analysis (705ILCS135/15-70(5)) \$150 \$ _____
☐ Drug related offense, possession/delivery (705ILCS135/15-70(6)) Street Value \$ _____
☐ Methamphetamine related offense, possession/manufacture (705ILCS135/15-70(7))
 Street Value \$ _____
☐ Order of protection violation (705ILCS135/15-70(8)) \$200 for each conviction \$ _____
☐ Order of protection violation (705ILCS135/15-70(9)) \$25 for each conviction \$ _____
☐ States Attorney petty or business offense (705ILCS135/15-70(10)(a)) \$4 \$ _____
☐ States Attorney conservation or traffic offense (705ILCS135/15-70(10)(b)) \$2 \$ _____
☒ Guilty plea or no contest, DV against family member (705ILCS135/15-70(13)) \$200
 for each sentenced violation \$ 200⁰⁰
☐ EMS response reimbursement vehicle/snowmobile/boat violation (705ILCS135/15-70(14))
 Max Amount is \$1000 \$ _____
☐ EMS response reimbursement controlled substances (705ILCS135/15-70(15)) Max
 amount is \$1000 \$ _____
☐ EMS response reimbursement reckless driving/aggravated reckless driving/speed in excess
 26 mph (705ILCS135/15-70(16)) Max amount is \$1000 \$ _____
☐ Weapons violation, Trauma Center Fund (705ILCS135/15-70(18)) \$100 for each conviction \$ _____
Total Conditional Assessment Amount \$ 200⁰⁰

4. Other Assessments

- ☐ Restitution (See supplemental order) \$ _____
☐ Probation/Supervision Fee \$ _____ months x _____ months until ____/____/____ : ____ am \$ _____
☐ Comply with all conditions set out in the corresponding order.
☐ Shall not violate any laws of any jurisdiction, including Federal, State or Local Ordinances.
☐ Public Defender assessment \$ _____
☐ Victim Impact Panel \$ _____
☐ Kendall County Jail Weekend/Work Release Fee \$ _____
☐ GPS Fee \$ _____
☒ DNA Indexing Fee *Waived due to prior Felony convictions* \$ _____
☐ Other \$ _____

5. Credits (to be applied before offsets)

- ☒ Bond Applied \$ 30⁰⁰ (\$ 749⁰⁰)
☒ Credit for time served 59 day(s) x 35 day credit (\$ 1770⁰⁰)
Total Credits (\$ 2519⁰⁰)

WAIVER SECTION

Total amount due shall be paid by _____.

Total Amount Due



Unless a court ordered payment schedule is implemented or the assessment requirements of this Act are waived under a court order, the Clerk of the Circuit Court may add to any unpaid assessments under this Act a delinquency amount equal to 5% of the unpaid assessments that remain unpaid after 30 days, 10% of unpaid assessments that remain unpaid after 60 days and 15% of the unpaid assessments that remain unpaid after 90 days. (705 ILCS 135/5-10(e))

INCARCERATION

- ☐ _____ day(s) in Kendall County Jail (See Imprisonment Order)
- ☒ 6 year(s) 0 month(s) in Illinois Department of Corrections 4 year(s) mandatory supervised release.
- ☐ Impact Incarceration Recommendation ☐ Extended Term Sentence per 730 ILCS 5/5-8-2 ☒ MSR per 730 ILCS 5/5-8-1(a)(6)
- ☐ Class X Sentencing per 730 ILCS 5/5-4.5-95(b) ☒ Truth-In Sentencing per 730 ILCS 5/3-6.3
- ☐ _____ weekend(s) to commence ____/____/____ at 6:00 p.m. plus \$20.00 per weekend fee (see imprisonment Order)
- *** All weekends are consecutive and are from 6:00 p.m. on Friday to 6:00 p.m. on Sunday ***
- ☐ _____ day(s) periodic imprisonment (see Supplemental Sentencing Order) plus \$10.00 per day fee.
- ☒ Incarceration shall commence instanter. ☐ Incarceration shall commence on ____/____/____ at ____ a.m./p.m.
- ☒ No Day for Day Credit ☐ Day for Day Credit ☒ Credit for 131 actual days served from 5/14/20 to 7/9/20
55% 10/3/20 to 10/4/20
4/14/22 to 6/24/22

COUNSELING

- ☐ Shall complete evaluation within ____ days for ☐ Alcohol/Drug ☐ Anger Management ☐ Psychological _____ and successfully complete all recommended counseling and aftercare as a condition of probation.
- ☐ Shall complete Level ____ alcohol counseling per alcohol evaluation / subject to modification by alcohol evaluation.
- ☐ Shall complete an Illinois Certified Domestic Violence Counseling Program.
- ☐ Shall complete T.A.S.C. and all recommended aftercare as a condition of probation.

OTHER CONDITIONS

- ☐ _____ hour(s) of Public Service Work as arranged by Court Services.
- ☐ _____ day(s) on the (Global Positioning System) or SCRAM Program) at \$_____ per day (See Supplemental Order)
- ☐ Shall have no contact/no harmful or offensive contact with _____.
- ☐ Shall not enter upon the property of _____.
- ☐ Shall refrain from direct or indirect contact with any street gang member(s).
- ☐ Register pursuant to: ☐ Sex Offender Registration Act (730 ILCS 150/1) ☐ Violent Offender Against Youth Act (730 ILCS 154/1)
- ☐ HIV (Human Immunodeficiency Virus) / STD (Sexually Transmitted Disease) testing (730 ILCS 5/5-5-3(g)).
- ☐ Shall submit a blood specimen for genetic marking purpose (730 ILCS 5/5-4-3).
- ☒ Shall submit to DNA indexing (Felony only) plus \$250.00 fee (730 ILCS 5/5-4-3(a)).

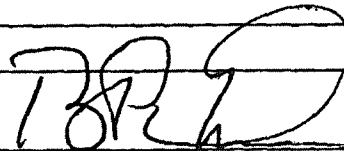
- ☒ Said sentence shall run ☒ Concurrent ☐ Consecutive to the sentence imposed in Kendall County, case number 19TR5798 21 cm 408
- ☐ Defendant shall report and appear before this court for a status review on ____/____/____ at ____ a.m.

ALL TERMS AND CONDITIONS TO BE COMPLETED BY SAID DATE.

- ☐ Defendant waives personal service of a Petition to Revoke. ☐ A motor vehicle was used in the commission of a Felony Offense.
- ☐ The Court verifies that the offense(s) were/were not sexually motivated pursuant to 730 ILCS 154/86.
- ☐ The Defendant has been advised as to the penalties under the Federal Gun Control Act of 1968.
- ☒ The following cases and or counts are hereby Nolle Prosequi: 20 cm 204
- ☐ Other: _____

6/24/22

Date



Judge

I am the Defendant and I have read and understand this Sentencing Order.

Signature of Defendant

**IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT
KENDALL COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,) CASE NO(S): 20 CF 134
Plaintiff,)

vs.)

RANDALL STAFFORD, II)

Defendant,)

State's Attorney EW

Defendant's Attorney CW

Court Reporter Kathy Nielsen

Deputy Clerk DM

ORDER

This cause coming before the Court, the Court being fully advised in the premises, and having jurisdiction of the subject matter, the defendant:

☐ is present In Person

☒ is present in custody IDOC

did not appear

☐ present with interpreter/language line

☐ Other _____

On Motion of ☐ Defendant ☐ Prosecution ☐ Court ☒ Agreement

Case Continued To

at 9:00 a.m.

Courtroom No. 115

Defendant must appear in person: ☐

For: ☐ Return with Attorney ☐ Set Preliminary Hearing ☐ Preliminary Hearing/Arraignment

☐ Pretrial

☐ Final Pretrial

☐ Trial Setting

☐ Final Trial Setting

☐ Bench Trial

☐ Final Jury Setting

☐ 402 Conference

☐ Setting of PTR

☐ Status Review _____

☐ Hearing on Motion/Petition to _____

The defendant has:

☐ waived right to preliminary hearing

☐ been arraigned instanter

☐ S.C.R. 402 admonishment

☐ been admonished of extended term

☐ been advised of trial/hearing in absentia

It is further ordered:

☐ Writ Continued

☐ Speedy Trial Tolted

☐ Subpoenas Continued

☐ Public Defender Appointed

☐ Strike Future Dates

☐ Warrant quashed and recalled instanter (DOB:

(Copy of Order to be sent to Ken Com by Circuit Clerk)

☐ Issue warrant forthwith, Bail set at \$ _____

☐ 10% to apply ☐ Full Cash Bond

☐ Clerk to send bond forfeiture notice

☐ Judgment entered on bond forfeiture

☐ Copy of this order to be sent to: Defendant's Attorney _____

☒ Other: Defendant's Motion to Correct the Mittimus is denied for reasons set forth in the record.

Date: 02/22/2024

Robert Pilmer

Digitally signed by Robert
Pilmer
Date: 2024.02.22 11:25:19
-06'00'

Judge

2025 IL App (2d) 240250
 No. 2-24-0250
 Opinion filed August 14, 2025

IN THE
 APPELLATE COURT OF ILLINOIS
 SECOND DISTRICT

THE PEOPLE OF THE STATE	)	Appeal from the Circuit Court
OF ILLINOIS,	)	of Kendall County.
	)	
Plaintiff-Appellee,	)	
	)	
v.	)	No. 20-CF-134
	)	
RANDALL M. STAFFORD II,	)	Honorable
	)	Robert P. Pilmer,
Defendant-Appellant.	)	Judge, Presiding.

JUSTICE BIRKETT delivered the judgment of the court, with opinion.
 Justices Jorgensen and Schostok concurred in the judgment and opinion.

OPINION

¶ 1 After a bench trial, defendant, Randall M. Stafford II, was convicted of aggravated domestic battery (720 ILCS 5/12-3.3(a-5) (West 2020)) and sentenced to six years' imprisonment. On appeal, defendant contends that the trial court erred in refusing him sentencing credit for the time he spent on electronic home monitoring while he was released on bond. We affirm.

¶ 2 I. BACKGROUND

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¶ 3 On May 14, 2020, the State charged defendant with aggravated domestic battery. The trial court set his bail at \$50,000¹ and placed him on electronic home monitoring (EHM) via global positioning system (GPS). Its order stated, “The defendant shall *remain within the structure* of his *** place of residence *** except as provided in this order with prior permission from the probation department.” (Emphasis in original.) The order allowed defendant to “leave his *** residence and travel directly to and from on the pre-approved route” for attorney appointments, court dates, and probation appointments. The Kendall County Court Services (KCCS) was made the GPS provider.

¶ 4 On August 12, 2020, the trial court modified defendant’s bond. Its order read:
 “[Defendant] is given permission to leave [his] residence for the purposes of doctor’s appointments, counseling, and picking up prescribed medications at the pharmacy provided [defendant] obtains approval for movement prior to leaving his residence.

[Defendant] is given permission to leave the residence for the purpose of taking his mother grocery shopping (limited to 1x per week) provided [defendant] obtains approval prior to any such movement. Should [defendant] have an in[-]person interview for employment, he may leave the residence provided he receives prior approval for such movement.”

¶ 5 On February 25, 2021, the trial court switched defendant’s GPS provider to the Kendall County Sheriff’s Office (KCSO) but made no other changes to the GPS arrangement.

¶ 6 On April 14, 2022, the trial court found defendant guilty of aggravated domestic battery and revoked his bond. On June 24, 2022, the court held a sentencing hearing. The parties agreed that defendant was entitled to 131 days’ credit for the time he spent in jail before sentencing.

¹On October 4, 2021, defendant’s bond was increased to \$75,000. The conditions were not changed.

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However, defendant also sought credit for the time he spent on EHM. The trial court sentenced defendant to six years in prison, awarded him 131 days' sentencing credit, but denied him any credit for his time on EHM.

¶ 7 On July 18, 2022, defendant moved to reconsider his sentence, arguing that he was entitled to credit for the time he was on EHM. Defendant relied on section 5-4.5-100(b) of the Unified Code of Corrections (Code of Corrections) (730 ILCS 5/5-4.5-100(b) (West 2020)), which, as pertinent here, reads:

“[T]he offender shall be given credit *** for the number of days spent in custody as a result of the offense for which the sentence was imposed. The Department [of Corrections] shall calculate the credit at the rate specified in Section 3-6-3 (730 ILCS 5/3-6-3). The trial court shall give credit to the defendant for time spent in *home detention* on the same sentencing terms as incarceration as provided in Section 5-8A-3 (730 ILCS 5/5-8A-3). *Home detention for purposes of credit includes restrictions on liberty such as curfews restricting movement for 12 hours or more per day and electronic monitoring that restricts travel or movement. Electronic monitoring is not required for home detention to be considered custodial for purposes of sentencing credit.*” (Emphases added.)

¶ 8 On November 1, 2022, the trial court heard defendant's motion to reconsider. The State argued that section 5-4.5-100(b) did not apply because “home confinement”—as the State described defendant's arrangement—was not “custody.” The trial court denied defendant's motion.

¶ 9 On June 13, 2023, after missing the deadline to file a late notice of appeal (see Ill. S. Ct. R. 606(c) (eff. Mar. 12, 2021)), defendant filed a *pro se* motion for leave to file a notice of appeal to raise the sentencing credit issue. On June 26, 2023, we denied the motion and directed defendant

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to Illinois Supreme Court Rule 472 (eff. May 17, 2019), which allowed the trial court to hear the credit issue at any time. On August 7, 2023, defendant filed a *pro se* “Motion to Correct Mittimus” to award him credit for the time he spent on EHM—allegedly 629 days. On February 22, 2024, the trial court denied the motion. Defendant moved to reconsider. On April 4, 2024, the court denied the motion to reconsider, and defendant filed a notice of appeal.

¶ 10

II. ANALYSIS

¶ 11 On appeal, defendant argues that the trial court erred in denying him sentencing credit for the time he spent on EHM while out on bond before trial. He claims that he was entitled to credit for that period because he was in “custody” per section 5-4.5-100(b) of the Code of Corrections. Defendant acknowledges that this court and the Fifth District have denied sentencing credit to defendants who raised the same legal basis for credit. See *People v. Currey*, 2024 IL App (2d) 230099, ¶¶ 21-22; *People v. Donahue*, 2022 IL App (5th) 200274, ¶¶ 10-24. Defendant argues that these opinions are not soundly reasoned.

¶ 12 We review *de novo* whether a defendant is entitled to credit for time allegedly spent in custody before sentencing. *People v. Clark*, 2014 IL App (4th) 130331, ¶ 15. The resolution of this issue turns on statutory construction, which we also review *de novo*. *Bank of New York Mellon v. Laskowski*, 2018 IL 121995, ¶ 12.

¶ 13 To place *Donahue* in context, we start with *People v. Ramos*, 138 Ill. 2d 152 (1990). As of 1988, when the defendant in *Ramos* was sentenced, section 5-8-7 of the Code of Corrections (Ill. Rev. Stat. 1987, ch. 38, ¶ 1005-8-7) (later renumbered as section 5-4.5-100 (see Pub. Act 95-1052, § 5 (eff. July 1, 2009) (renumbering as 730 ILCS 5/5-4.5-100))) governed sentencing credit. Subsection (b) of section 5-8-7 provided day-for-day credit for “ ‘time spent in custody as a result of the offense for which the sentence was imposed.’ ” *Ramos*, 138 Ill. 2d at 154 (quoting Ill. Rev.

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Stat. 1987, ch. 38, ¶ 1005-8-7(b)). We note that, in 1988, the entire subsection (b) of section 5-8-7 consisted essentially of what is the first sentence of the current section 5-4.5-100(b) (see 730 ILCS 5/5-4.5-100(b) (West 2020)). After being charged, the defendant in *Ramos* was released on bond but was not allowed to leave home without permission from either the trial court or his probation officer. *Ramos*, 138 Ill. 2d at 154. During his 168 days of “home detention” (the supreme court’s descriptor) preceding his guilty plea, the defendant was allowed to leave home on only three occasions. *Id.* After he was sentenced, the defendant requested a credit per section 5-8-7(b) for “the 168 days he spent in home confinement.” *Id.* The trial court denied the request, holding that the defendant had not been in “custody” for that period. *Id.*

¶ 14 The supreme court affirmed the denial of credit. *Id.* at 162. Relying on *People ex rel. Morrison v. Sielaff*, 58 Ill. 2d 91 (1974), the court held that the term “custody” as used in section 5-8-7(b) did not include “ ‘the period of time during which the defendant was released on bail but [was] predicated upon his confinement.’ ” *Ramos*, 138 Ill. 2d at 158 (quoting *Morrison*, 58 Ill. 2d at 94). The court reasoned:

“The purpose of the credit-against-sentence provision is to ensure that defendants do not ultimately remain incarcerated for periods in excess of their eventual sentences. [Citation.] Granting credit against a sentence of imprisonment for time previously spent in institutional custody clearly serves that purpose; granting credit for time spent while released on bond, even with the restrictive conditions imposed here, does not.

Home confinement, though restrictive, differs in several important respects from confinement in a jail or prison. An offender who is *detained* at home is not subject to the regimentation of penal institutions and, once inside the residence, enjoys unrestricted freedom of activity, movement, and association. Furthermore, a defendant *confined* to his

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residence does not suffer the same surveillance and lack of privacy associated with becoming a member of an incarcerated population.” (Emphases added.) *Id.* at 159.

The court concluded that “the legislature did not intend the term ‘custody’ to apply to the period of time during which a defendant is released on bail.” *Id.* at 162. Notably, the court’s analysis did not distinguish between “home detention” and “home confinement.” Instead, it used the terms interchangeably and concluded that such pretrial arrangements cannot amount to “custody” under section 5-8-7(b).

¶ 15 In *dicta*, *Ramos* noted that, as of January 1, 1989, the Code of Corrections authorized, as a condition of bond, “[the] imposition of home confinement ‘with or without the use of an approved monitoring device.’ ” *Id.* at 161-62 (quoting Ill. Rev. Stat., 1988 Supp., ch. 38, ¶ 110-10(b)(14)). However, the court did not “discern an intent by the legislature, *** to expand the circumstances in which a defendant is entitled to receive credit under section 5-8-7(b).” *Id.* at 162.

¶ 16 Next, we turn to *People v. Beachem*, 229 Ill. 2d 237 (2008). As applicable in *Beachem*, section 5-8-7(b) read:

“The offender shall be given credit on the determinate sentence *** for time spent in *custody* as a result of the offense for which the sentence was imposed, at the rate specified in Section 3-6-3 of this Code. *** [T]he trial court may give credit to the defendant for time spent in *home detention*, or when the defendant has been confined for psychiatric or substance abuse treatment prior to judgment, *if the court finds that the detention or confinement was custodial*.” (Emphasis added.) 730 ILCS 5/5-8-7(b) (West 2004).

¶ 17 The defendant in *Beachem* was sentenced to six years in prison for a drug offense. *Beachem*, 229 Ill. 2d at 238, 241. He sought credit for his time spent in the “Sheriff’s Day Reporting Center program” (Program). *Id.* The Program was initiated to comply with a consent

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decree capping the population of the county jail. *Id.* at 240. The order required the sheriff to release certain prisoners, who would then undergo supervision administered by the sheriff's office. *Id.* at 240-41. Each participant was subject to mandatory daily attendance at the Day Reporting Center (Center) and drug testing, and violations of Program rules could result in reincarceration. *Id.* The defendant spent 258 days in the Program but only 171 days reporting in person to the Center, for between 3 and 9 hours per day. *Id.* at 239. In the trial court, the defendant did not seek credit for his participation in the Program. *Id.* at 241. In the appellate court, he sought credit for the full 258 days in the Program. *People v. Beachem*, 374 Ill. App. 3d 145, 150 (2007). The appellate court credited him for only the 171 days that he actually reported to the Center. *Id.* at 153.

¶ 18 The supreme court affirmed. The court noted that the issue turned on the meaning of “custody” in section 5-7-8(b). *Beachem*, 229 Ill. 2d at 244. Neither section 5-7-8(b) nor any other relevant statute defined the term, and the court concluded that it was ambiguous. *Id.* at 244, 246. The goal of the court's statutory interpretation was to determine “what degree of control the legislature intended when it used the term ‘custody’ ” *Id.* at 246.

¶ 19 To answer this question, the supreme court recounted *Ramos*'s holding that being on EHM while released on bond is not “custody.” *Id.* at 247. The *Beachem* court concluded, however, that participation in the Program was not the same as release on bond. *Id.* at 249. The court explained that a bond set by the trial court “provides a defendant with [statutorily mandated] judicial procedures that not only protect him from arbitrary arrest, but also provide a means to modify or contest an aspect of or denial of bond.” *Id.* at 249-50. By contrast, a participant in the Program had no statutory right to such protections; for instance, there was no requirement that the sheriff obtain a warrant before rearresting a Program participant. *Id.* at 250-51. Moreover, a Program participant had no statutory right to challenge, in court or otherwise, “the terms, conditions, or rules of his

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participation in the Program.” *Id.* at 251. The defendant in *Beachem* never posted bail and was never admitted to bond; he was released subject to the legal custody of the sheriff and was legally bound to obey requirements the sheriff imposed in the exercise of his unfettered discretion. *Id.* at 253. The defendant “had no right to be in the Program and had no recourse under the statutes of this state if the sheriff decided to reincarcerate him, or even to terminate the entire Program and reincarcerate all the participants.” *Id.* The court found that the defendant was in “ ‘constructive custody,’ ” even when not physically present at the Center. *Id.*

¶ 20 The supreme court stated next that, even if physical confinement were needed to establish custody, the defendant had been physically confined for three to nine hours each day while he was mandatorily at the Center, and his liberty was considerably restricted there. *Id.* Thus, “[the] defendant was in ‘custody’ [constructive or physical] while participating in the Program for the purposes of section 5-8-7.” *Id.* at 253-54. However, because the defendant had not argued that he was entitled to credit for the 87 days that he was in the Program but not at the Center (*id.* at 243 n.3), the supreme court affirmed the appellate court’s award of only 171 days. *Id.* at 255.

¶ 21 We turn next to *People v. Smith*, 2014 IL App (3d) 130548. To set the context for *Smith*, we note that, effective January 1, 1991, after *Ramos* was decided, the Code of Corrections was amended to add the Electronic Home Detention Law² (Home Detention Law). See Pub. Act 86-1281, § 3 (eff. Jan. 1, 1991) (adding 730 ILCS 5/5-8A-1 *et seq.*). The Home Detention Law, which was applied in *Smith* (see *Smith*, 2014 IL App (3d) 130548, ¶ 41), authorized “electronic home detention” for, *inter alia*, defendants on pretrial detention. 730 ILCS 5/5-8A-3(f)(1) (West 2012). The Home Detention Law defined “home detention” as “the confinement of a person convicted

²In 2016, the name was changed to the Electronic Monitoring and Home Detention Law. See Pub. Act 99-797, § 10 (eff. Aug. 12, 2016) (amending 730 ILCS 5/5-8A-1).

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[of] or charged with an offense to his or her place of residence under the terms and conditions established by the supervising authority.” *Id.* § 5-8A-2(C). In turn, the Home Detention Law defined “supervising authority” as “the Department of Corrections, probation supervisory authority, sheriff, superintendent of municipal house of corrections or any other officer or agency charged with authorizing and supervising home detention.” *Id.* § 5-5-8A-2(E).

¶ 22 In *Smith*, the defendant was convicted of driving under the influence of alcohol and sentenced to three years’ imprisonment. *Smith*, 2014 IL App (3d) 130548, ¶ 1. He was released on bond, pending the resolution of his appeal; placed on home confinement with EHM; and allowed to travel only to go to work. *Id.* ¶¶ 4-5. After the appellate court affirmed his conviction and sentence, the defendant filed in the trial court a motion under section 5-4.5-100(b) of the Code of Corrections (730 ILCS 5/5-4.5-100(b) (West 2012) (formerly 730 ILCS 5/5-8-7(b))), seeking sentencing credit for the time that he was released pending appeal. *Smith*, 2014 IL App (3d) 130548, ¶ 7. Effective June 22, 2012, after his sentencing but before his appeal was decided, section 5-4.5-100(b) was amended to make credit for time spent in “home detention” mandatory. See Pub. Act 97-697, § 5 (eff. June 22, 2012) (amending 730 ILCS 5/5-4.5-100(b)). The trial court denied the credit. *Smith*, 2014 IL App (3d) 130548, ¶ 7.

¶ 23 The appellate court affirmed. It relied on the factors that *Beachem* used to distinguish release on bond with conditions (such as EHM, as in *Ramos*, where custody was not found) from the Program in *Beachem* (where custody was found). *Id.* ¶¶ 36-40. The conditions of the defendant’s bond were set by the trial court, not the executive branch; a violation of the conditions would result not in an immediate arrest but in a report to the state’s attorney’s office and defense counsel; and the defendant could petition the trial court to change the terms of his home

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confinement. *Id.* ¶¶ 38-39. Thus, the court concluded that the defendant’s release on bond did not constitute “custody” under section 5-4.5-100(b) of the Code of Corrections. *Id.*

¶ 24 However, the defendant argued that his release was “home detention” under section 5-4.5-100(b) because it “equate[d] to home detention under the [Home Detention Law],” and he noted that section 5-4.5-100(b) provided that a court “ ‘shall give credit to the defendant for time spent in home detention.’ ” *Id.* ¶ 40 (quoting 730 ILCS 5/5-4.5-100(b) (West 2012)).

¶ 25 The appellate court disagreed, pointing out that the Home Detention Law defined “home detention” as the confinement of a person to his residence “ ‘under the terms and conditions established by the supervising authority.’ ” *Id.* ¶ 41 (quoting 730 ILCS 5/5-8A-2(C) (West 2012)). The Home Detention Law defined “ ‘[s]upervising authority’ ” as “ ‘the Department of Corrections, probation supervisory authority, sheriff, superintendent of municipal house of corrections or any other officer or agency charged with authorizing and supervising home detention.’ ” *Id.* (quoting 730 ILCS 5/5-8A-2(E) (West 2012)). Although the defendant argued that the probation department was the “supervising authority” in his case, the appellate court disagreed because (1) the defendant’s home confinement was supervised by a private entity (*id.* ¶ 42) and (2) even if the probation department had supervised his home confinement, it was the trial court that established the terms and conditions of the confinement (*id.* ¶¶ 42-43). The court stressed that the mere fact that the bond had restrictions did not render the release custodial; the court noted that, in *Ramos*, “[o]ur supreme court was unequivocal when holding that *** time spent in custody does not include that period of time during which a defendant is released on bond, regardless of the restrictions imposed as a condition of release.” *Id.* ¶ 43 (citing *Ramos*, 138 Ill. 2d at 160).

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¶ 26 Effective July 1, 2021, the legislature again amended section 5-4.5-100(b) of the Code of Corrections. See Pub. Act 101-652, § 10-281 (eff. July 1, 2021) (amending 730 ILCS 5/5-4.5-100(b)). As amended, the section read as follows, with the relevant new text emphasized:

“[T]he offender shall be given credit *** for the number of days spent in custody as a result of the offense for which the sentence was imposed. The Department shall calculate the credit at the rate specified in Section 3-6-3 (730 ILCS 5/3-6-3). The trial court shall give credit to the defendant for time spent in home detention on the same sentencing terms as incarceration as provided in Section 5-8A-3 (730 ILCS 5/5-8A-3). *Home detention for purposes of credit includes restrictions on liberty such as curfews restricting movement for 12 hours or more per day and electronic monitoring that restricts travel or movement. Electronic monitoring is not required for home detention to be considered custodial for purposes of sentencing credit.*” (Emphasis added.) 730 ILCS 5/5-4.5-100(b) (West 2020).

¶ 27 In *Donahue*, the defendant was charged with possessing child pornography. *Donahue*, 2022 IL App (5th) 200274, ¶ 3. He posted bond and was released per an agreement under which his “electronic supervision program” (supervision program) would be supervised by both the trial court and the probation department. *Id.* ¶ 4. The supervision program required the defendant to stay home unless he was leaving for an approved reason, such as work, or was authorized to leave by the trial court or the probation department. *Id.* ¶¶ 4, 11. He agreed to wear a transmitter at all times and be subject to phone calls or visits by the probation department or the police. *Id.* ¶ 4. After the defendant pleaded guilty and was sentenced to six years’ imprisonment, he moved for credit for the time he was on bond per the agreement. *Id.* ¶ 6. The trial court denied the motion. *Id.* All the foregoing took place between April 2019 and August 2020, before the July 1, 2021, amendment to section 5-4.5-100(b).

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¶ 28 On appeal, the defendant argued that the trial court erred in denying him any credit for his time on bond under the supervision program, which included EHM. *Id.* ¶ 9. The appellate court first addressed whether the version of section 5-4.5-100(b) in effect in 2020 supported the defendant. *Id.* ¶¶ 9-10. The dispositive question was “whether the defendant was participating in a home detention program, such that he would be entitled to sentencing credit.” *Id.* ¶ 10. Thus, the underlying issue was the construction of “home detention” in section 5-4.5-100(b) as it read in 2020. *Id.*

¶ 29 The court began the analysis by examining section 110-10(b)(14) of the Code of Criminal Procedure of 1963 (Code of Criminal Procedure) (725 ILCS 5/110-10(b)(14) (West 2020)), which authorized, as a condition of bond, placing a defendant “ ‘under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with or without the use of an approved electronic monitoring device subject to Article 8A of Chapter V of the [Code of Corrections].’ ” *Donahue*, 2022 IL App (5th) 200274, ¶ 12 (quoting 725 ILCS 5/110-10(b)(14) (West 2020)). The court construed “home supervision,” which the statute did not define, as “the inspecting, directing, and evaluating [of the] defendant’s compliance with the terms of his bond conditions.” *Id.* By contrast, “home detention,” as defined by the Home Detention Law, was “ ‘ the confinement of a person convicted [of] or charged with an offense to his or her place of residence under the terms and conditions established by the supervising authority.’ ” *Id.* ¶ 14 (quoting 730 ILCS 5/5-8A-2(C) (West 2020)). Thus, the court saw “home supervision” and “home detention” as “two separate and distinct concepts.” *Id.* ¶ 15.

¶ 30 The court noted that “home supervision” might “sound like ‘custody,’ meaning a duty to submit to legal authority.” *Id.* (citing *People v. Riley*, 2013 IL App (1st) 112472, ¶ 12). However, the court observed that *Ramos* and *Beachem* both held that the time a defendant spends on bond,

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even with EHM or other conditions, “would never qualify as ‘custody’ or ‘confinement’ for sentencing credit purposes.” *Id.* ¶ 20. Therefore, “home supervision as a condition of bond *** does not constitute either confinement or custody as those terms are understood in section 5-4.5-100(b).” *Id.*

¶ 31 The court saw a second barrier to concluding that “home supervision” constitutes “home detention”: the Home Detention Law defined the latter as “confinement, meaning actual physical confinement.” *Id.* ¶ 21 (citing 730 ILCS 5/5-8A-2(C) (West 2020) (defining “home detention” as “the confinement of a person convicted [of] or charged with an offense to his or her place of residence under the terms and conditions established by the supervising authority”)). Since *Ramos* and *Beachem* both held that in-home EHM as a condition of bond is not “confinement,” they also implied that it is not “home detention” for purposes of section 5-4.5-100(b). *Id.*

¶ 32 The *Donahue* court then applied the foregoing statutory analysis to the facts of the case. It explained first that the defendant’s supervision program—which was “home supervision” per section 110-10(b)(14) of the Code of Criminal Procedure—could not be equated with “home detention” merely because section 110-10(b)(14) referenced the Home Detention Law. *Id.* ¶ 23. Instead, the legislature intended those terms to mean “different things.” *Id.*

¶ 33 The court stated:

“In other words, the use of ‘home supervision’ in the bail provisions means that the legislature did not intend that *any* time an offender was released on bond with a condition that he remain at his residence (or residence and workplace), he would *automatically* be deemed to have been placed in a home detention program, thereby making him eligible for sentencing credit. Instead, *if he were placed in a home detention program, the trial court would have to expressly state that the offender was being confined in a home detention*

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program, and the requirements of that program would have to be followed for the offender to later qualify for sentencing credit.” (Emphases added.) *Id.* ¶ 24.

¶ 34 Having concluded that the defendant’s supervision program did not qualify as “home detention” under section 5-4.5-100(b), the court then held that it was not otherwise “custody” under that provision. The court reasoned:

“[E]ven if we deny the defendant’s contention that he was on ‘home detention,’ but accept that his [EHM] was tantamount to custody, we cannot give him sentencing credit because he was on bond, and *Ramos* prohibits the award of sentencing credit for time spent on bond *no matter how restrictive the conditions*.” (Emphasis added.) *Id.* ¶ 26.

¶ 35 Thus, *Donahue* construed “home detention” in section 5-4.5-100(b), as it read in 2020, to exclude time spent on bond with EHM. It held further that “custody,” even if such a condition were possible absent home detention, did not include time spent on bond with EHM.

¶ 36 The court then turned to the impact of the 2021 amendment to section 5-4.5-100(b) (see Pub. Act 101-652, § 10-281 (eff. July 1, 2021) (amending 730 ILCS 5/5-4.5-100(b))). *Donahue*, 2022 IL App (5th) 200274, ¶ 27. It held that the amendment did not aid the defendant. *Id.* ¶ 28.

¶ 37 First, the court reasoned, the amendment did not change the meaning of the term “home detention” and did not collapse the distinction between “home supervision” and “home detention.” *Id.* Thus, the defendant could not benefit from whatever liberalization or clarification the amendment provided. *Id.*

¶ 38 Second, the court reasoned, the Home Detention Law defined “home detention” as not merely home confinement, but home confinement “ ‘under the terms and conditions established by the supervising authority.’ ” *Id.* ¶ 29 (quoting 730 ILCS 5/5-8A-2(C) (West 2020)). “ ‘[S]upervising authority,’ ” in turn, embraced a wide variety of agencies, including the probation

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department. *Id.*; see 730 ILCS 5/5-8A-2(C) (West 2020). However, the probation department did not establish the terms and conditions of the defendant's EHM; the trial court did, and they were not within the definition of "supervising authority." *Donahue*, 2022 IL App (5th) 200274, ¶¶ 29-32.

¶ 39 In *Currey*, this court followed *Donahue* but added no new analysis. *Currey*, 2024 IL App (2d) 230099, ¶¶ 21-23.

¶ 40 After reviewing the pertinent case law, we turn to the merits of this appeal. Defendant argues first that *Donahue* wrongly held that, because release on bond with EHM is "home supervision" per section 110-10(b)(14) of the Code of Criminal Procedure, it can never be "home detention" per section 4.5-100(b) of the Code of Corrections. We do not interpret *Donahue* as establishing such an absolute, formalistic rule. Rather, the court held, as we noted, that "the legislature did not intend that *any* time an offender was placed on bond with a condition that he remain at his residence *** he would *automatically* be deemed to have been placed in a home detention program." (Emphasis added.) *Donahue*, 2022 IL App (5th) 200274, ¶ 24. Both we and defendant agree with this statement. To the extent that *Donahue* or *Currey* could be read more broadly on this matter, we do not follow them.

¶ 41 Of course, we do not foreclose the possibility that something *other* than the formal phrasing of section 110-10(b)(14) could create an inherent incompatibility between "home supervision" thereunder and "home detention." But to resolve that more general matter, we need not discuss section 110-10(b)(14) further. The issue will turn on section 5-4.5-100(b) of the Code of Corrections.

¶ 42 Defendant argues second that *Donahue* erred in stating that, to place a defendant into a home detention program, "the trial court would have to expressly state that [he] was being confined

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in a home detention program.” *Id.* On this, we agree with defendant. *Donahue* cited no authority for its assertion that a trial court must use “magic words” to turn something into “home detention” even if it already meets the statutory definition.

¶ 43 Having disposed of defendant’s two preliminary arguments, we turn to the heart of this appeal. Defendant argues that *Donahue* wrongly defined “home detention” as used in the Home Detention Law and applied this improper definition in interpreting section 5-4.5-100(b).

¶ 44 We start with basic principles of statutory construction. The primary objective of statutory construction is to ascertain and give effect to the true intent of the legislature. *People v. Clark*, 2019 IL 122891, ¶ 18. The true intent of the legislature is most reliably discerned from the plain meaning of the statutory language. *Id.* ¶ 20. If the language is unambiguous, it must be given effect without resorting to further aids of construction. *People v. McCarty*, 223 Ill. 2d 109, 124 (2006). One aid of construction, the doctrine of *in pari materia*, holds that two statutes dealing with the same subject will be considered with reference to one another to give them a harmonious effect. *Id.* at 133. Also, we must presume that the legislature did not intend an absurd result. *People v. Clark*, 2024 IL 130364, ¶ 26.

¶ 45 Section 5-4.5-100(b) does not define “home detention,” but the Home Detention law does. Because these statutory provisions are *in pari materia*, we agree with *Donahue* (and defendant) that we must begin with the Home Detention Law’s present definition of “home detention”:

“ ‘Home detention’ means the confinement of a person convicted [of] or charged with an offense to his or her place of residence *under the terms and conditions established by the supervising authority*. Confinement need not be 24 hours per day to qualify as home detention, and significant restrictions on liberty such as 7pm [*sic*] to 7am [*sic*] curfews shall qualify. Home confinement may or may not be accompanied by electronic monitoring, and

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electronic monitoring is not required for purposes of sentencing credit.” (Emphasis added.)
730 ILCS 5/5-8A-2(C) (West 2020).

¶ 46 In turn, the Home Detention Law defines “supervising authority” as
“the Department of Corrections, the Department of Juvenile Justice, probation department,
a Chief Judge’s office, pretrial services division or department, sheriff, superintendent of
municipal house of corrections or any other officer or agency charged with authorizing or
supervising electronic monitoring and home detention.” *Id.* § 5-8A-2(E).

¶ 47 The *Donahue* court held that the defendant had not been on “home detention,” as defined
by section 5-8-2A(C), because the terms and conditions of his confinement had not been “ ‘under
the terms and conditions established by the supervising authority.’ ” *Donahue*, 2022 IL App (5th)
200274, ¶ 29 (quoting 730 ILCS 5/5-8A-2(C) (West 2020)). Those terms and conditions had been
established by the trial court in its orders releasing the defendant on bond and later modifying his
bond. *Id.* ¶ 32. Relying on *Smith*, *Donahue* concluded that the trial court was not a “supervising
authority” and, therefore, the defendant had not been on “home detention” while he was awaiting
trial. *Id.* ¶¶ 30-32 (citing *Smith*, 2014 IL App (3d) 130548, ¶¶ 42-43).

¶ 48 We agree with *Donahue* and *Smith* that the plain language of section 5-8A-2 of the Home
Detention Law excludes from “home detention” any home confinement, with or without EHM,
where the terms and conditions were established by the trial court, as they were in *Donahue* and
Smith—and here.

¶ 49 Defendant, however, raises two arguments against effectuating what we see as the plain
statutory language. First, he asserts that the terms and conditions of his confinement should be
deemed established first by the trial court, later by the KCCS, and still later by the KCSO because
each agency in turn administered the GPS and curfew by “us[ing] an established process to monitor

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[defendant’s] confinement.” We cannot accept defendant’s invitation to equate *administering* the terms and conditions of home confinement with the antecedent act of *establishing* those terms and conditions. Here, the agencies *administered* the terms and conditions that the trial court had previously *established*. The trial court—not the KCCS or the KCSO—exercised all the power to decide where defendant could go and when he could do so.

¶ 50 Defendant asserts second that to accept the plain meaning of section 5-8A-2 of the Home Detention Law would produce an absurd result that the legislature could not have intended. He reasons that, because “home detention” can exist only when the defendant is released from jail, and only the trial court can impose the terms and conditions of the defendant’s release, “then ‘home detention’ literally cannot apply in the pretrial context.”

¶ 51 Defendant’s statement is not quite accurate. In *Beacham*, the trial court released the defendant from jail; however, the terms and conditions of his ensuing confinement were established by the sheriff, a “supervising authority” under the Home Detention Law. Nonetheless, we concede that (1) *Beachem* appears to be unique among precedential cases in this regard and (2) instances in which the terms and conditions of a defendant’s release from jail are established by anyone other than the trial court will be rare indeed.

¶ 52 Further, it is difficult to imagine a scenario in which a defendant is not on “home detention” but is in “custody” under section 5-4.5-100(b) of the Code of Corrections. Even with the amendments to that provision over several decades, it does not appear that the supreme court has retreated from its statements in *Ramos* and *Beachem* that confinement on bond with conditions set by the trial court can never be “custody” under section 5-4.5-100(b). Only if we view the amendments since *Ramos* as implicitly limiting that opinion can we escape its implications. However, such a reading would be dubious at best, given the continuing use in section 5-4.5-100(b)

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of the term “home detention” and the lack of any direct statement in the amendments that the term as employed there does not carry the same meaning it is given in the Home Detention Law. And defendant here makes no argument that the amendments were intended to create a separate definition of “home detention” for section 5-4.5-100(b).

¶ 53 We note further that “[w]here the legislature chooses not to amend a statute after a judicial construction, it will be presumed that it has acquiesced in the court’s statement of the legislative intent.” (Internal quotation marks omitted.) *Blount v. Stroud*, 232 Ill. 2d 302, 324 (2009) (noting that the presumption is, however, “merely a jurisprudential principle” and “not a rule of law” (internal quotation marks omitted)).

¶ 54 Given the legislature’s longstanding acquiescence in the judicial construction of the terms “home detention” and “custody” in section 5-4.5-100(b), we cannot conclude that the legislature intended to give those terms any meanings other than what the plain statutory language requires.

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Any concern with the narrowness of section 5-4.5-10(b)'s application must be addressed by the legislature, not this court.³

¶ 55 Finally, defendant argues that *People v. Wells*, 2024 IL 129402, “implicitly refutes the reasoning of *Donahue* and, thus, *Currey*,” even though (as defendant concedes) the case was decided solely on a separate ground. For the following reasons, we disagree with defendant that *Wells* undercuts *Donahue* and *Currey*.

¶ 56 In *Wells*, the defendant was charged with three drug offenses. *Id.* ¶ 3. In December 2020, the trial court released him on bond, subject to GPS monitoring and a curfew. *Id.* ¶¶ 3-4. Later, the trial court shortened the curfew, and, in June 2021, it removed the bond conditions altogether. *Id.* ¶ 3. In November 2021, the defendant pleaded guilty to one charge per a fully-negotiated agreement under which he would receive sentencing credit for the time he spent in jail before posting bond. *Id.* ¶¶ 6-8. Later, he moved for credit for the time he spent on bond with GPS monitoring before his plea. *Id.* ¶ 9. The trial court denied the motion, and the defendant appealed. *Id.* ¶¶ 9, 11. The appellate court affirmed the trial court on the basis that, by pleading guilty per

³At oral argument, defendant noted that, effective September 18, 2023, section 110-5(h) of the Code of Criminal Procedure (725 ILCS 5/110-5(h) (West 2022)) was amended to provide that “[a] defendant shall be given custodial credit for each day he or she was subjected to home confinement, at the same rate described in subsection (b) of Section 5-4.5-100 of the [Code of Corrections] [730 ILCS 5/5-4.5-100 (West 2020)].” See Pub. Act 102-1104, § 70 (eff. Jan. 1, 2023) (amending various provisions of Public Act 101-652 (eff. Jan. 1, 2023)); *Rowe v. Raoul*, 2023 IL 129248, ¶ 52 (lifting stay and setting effective date as September 18, 2023). Because defendant was sentenced before the amendment’s effective date, its credit mandate does not apply to defendant. See *People v. Carter*, 2022 IL App (1st) 210261, ¶ 147. Nor do we read this amendment as evidence that the legislature previously intended different meanings for “custody” and “home detention” in section 5-4.5-100(b) of the Code of Corrections.

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the agreement, the defendant waived any presentencing credit not provided therein. *Id.* ¶ 11; see *People v. Wells*, 2023 IL App (4th) 220552-U, ¶¶ 22, 26, 32.

¶ 57 The supreme court affirmed. The “dispositive issue” was whether, by entering the fully-negotiated plea that limited his presentencing credit to jail time, the defendant “agreed to forgo *his right to credit for the time he spent on home detention*.” (Emphasis added.) *Wells*, 2024 IL 129402,

¶ 19. Applying established contract-based principles, the court held that, by agreeing, the defendant had waived any claim to presentencing credit for his time on GPS monitoring. *Id.* ¶ 30.

¶ 58 Seizing upon the supreme court’s framing of the issue in *Wells* as whether the defendant waived “his *right to credit for the time he spent on home detention*” (emphases added) (*id.* ¶ 19), defendant asserts:

“[T]he [s]upreme [c]ourt seemed to take as a given that the defendant was on ‘home detention’ while on bond with confinement conditions, even going so far as to acknowledge that he would have been statutorily entitled to credit for that time if he had not entered into a fully negotiated plea agreement that excluded such credit.”

Defendant suggests that, although the supreme court “has not yet squarely resolved the questions raised by *Donahue* and *Currey*, *** *Wells* *** certainly hints at its answers.”

¶ 59 We do not believe that, in one phrase of *dicta*, the supreme court implicitly disapproved of a long line of case authority and approved a novel definition of a term used in two statutes—and chose not to mention either the cases or the statutes, nor provide legal support for this alleged innovation. We are bound by supreme court holdings, not “hints,” and defendant’s speculation about future supreme court holdings is no basis for reversal.

¶ 60

III. CONCLUSION

¶ 61 For the reasons stated, we affirm the judgment of the circuit court of Kendall County.

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¶ 62 Affirmed.

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Decision Under Review: Appeal from the Circuit Court of Kendall County, No. 20-CF-134; the Hon. Robert P. Pilmer, Judge, presiding.

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No. 132265

IN THE

SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF	)	Appeal from the Appellate Court of
ILLINOIS,	)	Illinois, No. 2-24-0250.
	)	
Plaintiff-Appellee,	)	There on appeal from the Circuit
	)	Court of the Twenty-Third Judicial
-vs-	)	Circuit, Kendall County, Illinois,
	)	No. 20 CF 134.
	)	
RANDALL STAFFORD,	)	Honorable
	)	Robert P. Pilmer,
Defendant-Appellant.	)	Judge Presiding.

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 February 4, 2026, 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-appellant in an envelope deposited in a U.S. mail box in Elgin, 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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