

IN THE CIRCUIT COURT OF _____ COUNTY
_____ JUDICIAL CIRCUIT

PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff-Appellee,)
)
-vs-) No. _____
)
_____,)
Defendant-Appellant.)

NOTICE OF APPEAL FROM ORDER UNDER PRETRIAL FAIRNESS
ACT PURSUANT TO ILLINOIS SUPREME COURT RULE 604(h)
(Defendant as Appellant)

Court from which appeal is taken:

Circuit Court of _____ County.
The Judge(s) who entered the order(s) being appealed: _____

Date(s) of Order(s) Appealed: _____

Date(s) of Hearing(s) Regarding Pretrial Release: _____

Court to which appeal is taken:

Appellate Court of Illinois, _____ Judicial District

Name of Defendant and address to which notices shall be sent (if Defendant has no attorney):

Defendant's Name: _____
Defendant's Address: _____
Defendant's E-mail: _____
Defendant's Phone: _____

If Defendant is indigent and has no attorney, do they want one appointed? (If Cook County, the Cook County Public Defender will be appointed, in all other Counties, then OSAD will be appointed).

Yes No

Name of Defendant's attorney on appeal (if any):

Attorney's Name: _____

Attorney's Address: _____

Attorney's E-mail: _____

Attorney's Phone: _____

Name of Defendant's trial attorney (if any):

Attorney's Name: _____

Attorney's Address: _____

Attorney's E-mail: _____

Attorney's Phone: _____

Is the trial attorney a public defender? Yes No

Nature of Order Appealed (check all that apply):

- Denying pretrial release
- Revoking pretrial release
- Imposing conditions of pretrial release

Are there currently pending any other appeals in this matter under the Pretrial Fairness Act? Yes* No

***If Yes, list appeal number(s):** _____

Rule 328 Supporting Record* (check all that are attached):

- Copy of the order appealed from
- Supporting documents or matters of record (please list)

- Affidavit of attorney or party (in lieu of clerk certificate of authentication)

***You may attach a supporting record to this notice of appeal. A full supporting record must be filed with the appellate court within 30 days after filing this notice of appeal.**

Relief Requested: _____

Grounds for Relief (check all that apply and describe in detail):

Denial or Revocation of Pretrial Release

Defendant was not charged with an offense qualifying for denial or revocation of pretrial release or with a violation of a protective order qualifying for revocation of pretrial release.

The State failed to meet its burden of proving by clear and convincing evidence that the proof is evident or the presumption great that defendant committed the offense(s) charged.

The State failed to meet its burden of proving by clear and convincing evidence that defendant poses a real and present threat to the safety of any person or persons or the community, based on the specific, articulable facts of the case.

The State failed to meet its burden of proving by clear and convincing evidence that no condition or combination of conditions can mitigate the real and present threat to the safety of any person or persons or the community, based on the specific, articulable facts of the case, or defendant's willful flight.

The court erred in its determination that no condition or combination of conditions would reasonably ensure the appearance of defendant for later hearings or prevent defendant from being charged with a subsequent felony or Class A misdemeanor.

Defendant was denied an opportunity for a fair hearing prior to the entry of the order denying or revoking pretrial release.

Other (explain).

Imposing Conditions of Pretrial Release

The State failed to meet its burden of proving by clear and convincing evidence that conditions of pretrial release are necessary.

In determining the conditions of pretrial release, the court failed to take into account the factors set forth in 725 ILCS 5/110-5(a). Specifically, the court failed to consider the following factors (list all that apply):

The conditions of release are not necessary to ensure defendant's appearance in court, ensure that the defendant does not commit any criminal offense, ensure that defendant complies with all conditions of pretrial release, prevent defendant's unlawful interference with the orderly administration of justice, or ensure compliance with the rules and procedures of problem-solving courts.

Other (explain).

I certify that everything in this NOTICE OF APPEAL FROM ORDER UNDER PRETRIAL FAIRNESS ACT PURSUANT TO ILLINOIS SUPREME COURT RULE 604(h) is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

Your Signature

Printed Name

Attorney # (if any)