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

No. 132403

IN THE

SUPREME COURT OF ILLINOIS

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| PEOPLE OF THE STATE OF ILLINOIS,<br><br>Plaintiff-Appellee,<br><br>-vs-<br><br>JESSE POST,<br><br>Defendant-Appellant. | )<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>) | Appeal from the Appellate Court of Illinois, No. 4-25-0598.<br><br>There on appeal from the Circuit Court of the Ninth Judicial Circuit, Fulton County, Illinois, No. 23-CF-235.<br><br>Honorable Thomas B. Ewing, Judge Presiding. |

# REPLY BRIEF FOR DEFENDANT-APPELLANT IN SUPPORT OF RULE 604(h) APPEAL

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## ARGUMENTS

### I. The proper standard of review for orders appealed from continuing pretrial detention hearings should be the same as this Court held in *Morgan* – *de novo* when parties to a pretrial detention hearing proceed solely by proffer, and manifestly erroneous when live witness testimony is presented.

In *People v. Morgan*, this Court rejected an abuse of discretion standard of review for detention hearing appeals and held the standard is *de novo* when the parties proceed by proffer and manifest weight of the evidence when live testimony is presented. *People v. Morgan*, 2025 IL 130626, ¶ 54. The standard in *Morgan* should apply to initial and continued detention hearings because both hearings require the trial court to examine specific facts and make a determination on the liberty of a defendant who has not been convicted of a crime. However, the State argues that at a continued detention hearing there is no burden of proof, thus the trial court's ruling at a continued detention hearing should be reviewed for an abuse of discretion (State's Br. at 30-33).

All criminal defendants, regardless of what they are charged with, are presumed to be released pretrial. 725 ILCS 5/110-2(a). The only way for a defendant to be detained is upon the State filing a petition asking the trial court to deny that defendant's pretrial release, and then by the State proving by clear and convincing evidence that: (1) the presumption is great that the defendant committed a detainable offense; (2) that the defendant poses a real and present threat to the safety of any person or persons or the community, or poses a risk of willful flight; and (3) 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, or the risk of defendant's willful flight. 725 ILCS 5/110-6.1(a); (e). While it true that

725 ILCS 5/110-6.1(i-5), the provision relating to continued detention hearings and at issue in this appeal, does not express a specific burden of proof on any party, the State's burden of proof in initial detention hearings should still apply to continued detention hearings.

The State argues that "[t]he legislature's decision not to impose a burden of proof at continued detention hearings under subsection 110-6.1(i-5) demonstrates its intent that no burden applies." (State's Br. at 26). The State contends that the trial court's determination that continued detention is necessary "does not rest on a finding that any party carried its burden of proving a particular fact." (State's Br. at 30). Instead, the State argues, that a continued detention hearing "requires the court to prudentially weigh the interests of the parties and the community and determine whether its former detention decision ought to be undone." *Id*. The State argues that this prudential weighing is a "discretionary decision that, as such, is reviewed for abuse of discretion." *Id*.

However, just because the legislature did not provide a burden of proof in section 110-6.1(i-5) does not mean that no burden of proof exists – such a finding here would be "simply unworkable." *See In re Marriage of Levites*, 2021 IL App (2d) 200552, ¶¶ 56-60. *Levites* involved divorce proceedings where the respondent filed a petition pursuant to 750 ILCS 5/609.2 to relocate a child-in-common with their spouse to another state. *Id*., ¶ 25. The trial court denied the petition finding that the respondent had failed to meet her burden under section 609.2 showing that the relocation was in the best interests of the child. *Id*., ¶ 39. The respondent appealed arguing that 750 ILCS 5/609(a) (2014) had provided that the party seeking removal of a child bore the burden of proving that removal was in the child's best

interests, but section 609(a) had been repealed and replaced with section 609.2 which did not include a burden of proof. *See In re Marriage of Levites*, 2021 IL App (2d) 200552, ¶ 52. The respondent argued that the legislature's omission of a burden of proof meant that the circuit court was to focus on the child's best interests, and that no party was responsible for establishing any burden of proof. *Id.* ¶¶ 52, 56. The appellate court found the respondent's contention "unworkable." *Id.* ¶ 56.

The *Levites* Court found that section 609.2(f) placed the obligation to file a petition seeking approval to relocate on the relocating parent. *Id.* ¶ 56. Thus, the court concluded, that the parent seeking relocation had both the burden of producing evidence, and the burden of persuasion that relocation was in the best interests of the child. *Id.*, ¶ 57. The appellate court found that the burden of persuasion being on the parent seeking relocation was "a necessary corollary to give section 609.2(f) its full meaning, because the act of 'seeking permission to relocate' implies that the adjudicating tribunal must be persuaded to give its permission." *Id.*

The *Levites* Court concluded that the respondent's view that there was no burden of proof, was "simply unworkable." *Id.*, ¶ 60. Section 609.2(g) charged the trial court with determining the child's best interests in light of the factors in section 609.2(g) in a relocation petition; but the *Levites* Court asked how does a court do that if there is no burden of proof? *Id.* If there is neither a burden of producing evidence on the relevant factors nor a burden of persuading the finder of fact that the relevant factors are proved, then, under the respondent's view, the court "was expected to somehow formulate a determination of the child's best

interests, much like Athena springing fully formed from the brow of Zeus." *Id*. The *Levites* Court concluded that the legislature could not have left such a weighty issue to be determined by some undefined *deus ex machina*, and that there "must be a burden of proof." *Id*.

Just as section 609.2(f) placed the obligation to file a petition seeking approval to relocate on the relocating parent, section 110-6.1(a) places the obligation on the State to seek the denial of a defendant's pretrial release. Further, section 110-6.1(e) places the burden on the State to prove that a defendant's pretrial release should be denied. Section 5/110-6.1(i-5) requires that at each subsequent appearance of the defendant before the court, the trial court must find that continued detention is necessary to avoid 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, or to prevent the defendant's willful flight from prosecution. But, just as the *Levites* Court asked, how does a court do that if there is no burden of proof? The legislature could not have left this weighty issue to be determined by the trial court on its own, thus there must be a burden of proof, and that burden logically should be the same as it is at initial detention hearings – a burden on the State.

This Court found in *Morgan* that the State's burden of proof requirement set forth in section 110-6.1(e) present "a unique factual question that the circuit court must resolve based on an individualized assessment of the evidence," as well as "the credibility of the live witnesses, and a careful analysis of the relevant statutory factors and conditions provided in sections 110-6.1(g) and 110-10(b)." *Morgan*, 2025 IL 130626, ¶ 38. Accordingly, this Court applied a manifest weight of the evidence standard where live testimony is presented at a detention hearing.

*Id.* Section 110-6.1(e) places the burden on the State to prove all three required elements "based on the specific articulable facts of the case" 725 ILCS 5/110-6.1(e)(1-3). Section 110-6.1(i-5) requires that a finding that continuing detention is necessary is also "based on the specific articulable facts of the case." 725 ILCS 5/110-6.1(i-5). The fact that the legislature used the same language for the trial court's findings at the initial and continued detention hearing shows that the State's burden in section 110/6.1(e) persists through to section 110-6.1(i-5). Hence, at a continued detention hearing, the trial court is presented with the same unique factual question as it was at the initial detention hearing, and it must resolve that question based on an individualized assessment of the evidence. That resolution should be evaluated by the reviewing court under the same standard as set forth in *Morgan*.

The State cites this Court's decision in *Morgan* for its proposition that:

> factual findings are made in service of a discretionary inquiry rather than as an end in and of themselves. In these circumstances, the circuit court is asked not to determine whether a party has met a burden of proof but to make factual findings and then to come to a prudential determination based on those findings, a determination that is reviewed for abuse of discretion. (State's Br. At 31, citing *Morgan*, 2025 IL 130626, ¶ 31.

However, the majority in *Morgan* did not opine such a proposition in relation to at least initial detention proceedings under section 5/110-6.1, nor intimate that any such proposition applied to continued detention hearings.

Another aspect of section 110-6.1(i-5) shows the State has the burden and that review should be under the manifest weight standard. Illinois case law recognizes that the abuse of discretion standard is inappropriate when the court has to apply specific facts to make a legal determination. In *In re D.T.*, 212 Ill. 2d 347, 357 (2004), the State and the guardian *ad litem* (GAL), in addressing the

appropriate burden of proof at a best-interest hearing, argued that the answer to the factual question of what is in the best interests of a minor rests within the sound discretion of the trial court. After explaining that "sound discretion" concerns the standard of review, not the burden of proof, this Court noted that fact-finding with respect to a party's burden of proof, even when conducted in conjunction with the balancing of statutory factors, is not a discretionary act. Thus, it was "plainly not the type of ruling to which the highly deferential abuse of discretion review traditionally applies." *D.T.*, 212 Ill. 2d 356-57.

Similarly, in *People v. Peterson*, 2017 IL 120331, ¶ 39, the parties agreed that the trial court's admission of hearsay statements pursuant to the forfeiture doctrine should be reviewed for an abuse of discretion. While evidentiary rulings are generally reviewed for an abuse of discretion because they require the trial court to make a "judgment call," the admission of hearsay under the forfeiture by wrongdoing doctrine requires the court to find, by a preponderance of the evidence, that the defendant engaged in wrongdoing that was intended to, and did, procure the witness's unavailability. When the trial court is tasked with applying specific facts to the law, it cannot be said to be making a "judgment call" and the trial court's finding was reviewed under the manifestly erroneous standard. *Id*.

Thus, this Court should apply the standard of review announced in *Morgan* to continued detention hearings. A continued detention hearing requires the trial court to look at the "specific articulable facts" and determine whether detention is still necessary under the standards set forth by the legislature. As in *Peterson* and *D.T.*, it cannot be said that the trial court's decision at a continuing detention

hearing is a "judgment call." Rather, the legislature mandated that the trial court apply the facts of the case to the statutory factor of whether detention is necessary "to avoid a real and present threat to the safety of any person or persons or the community ..." Accordingly, this Court should hold that review is under the manifestly erroneous standard.

In another effort to argue that abuse of discretion is the appropriate standard in this case, the State notes that *Morgan* recognized that whether to try a minor as an adult under the Juvenile Court Act is reviewed for an abuse of discretion (State's Br. at 31, *citing Morgan*, ¶ 31). The *Morgan* Court noted that "unlike section 110-6.1" the Juvenile Court Act of 1987 expressly allowed discretionary transfers. *Morgan*, ¶ 31. Contrary though, the *Morgan* Court concluded that a trial court's factual determination in detention hearings as to whether the State established by clear and convincing evidence that: (1) the defendant likely committed the detention-eligible offense; (2) the defendant poses a threat to the safety of the community or victim, and ; (3) no condition or combination of conditions can mitigate defendant's dangerousness or risk of flight "does not fall within the realm of a discretionary question." *Morgan*, ¶ 30. The *Morgan* Court majority noted that neither the appellate court or concurrence opinion could not identify any viable authority or precedent supporting their belief that the circuit court's ultimate detention decision under section 110-6.1 is one of discretion. So, the standard of review in juvenile transfer cases has no bearing on what standard of review that should be used in continued detention hearings.

Further, the State argues that *Morgan* recognized that sentencing decisions are reviewed for an abuse of discretion because "these decisions require the circuit

court to balance statutory factors but do not impose a burden of proof on any party." (State's Br. at 31-32, citing *Morgan*, ¶ 31). While the *Morgan* Court noted that sentencing decisions are reviewed for an abuse of discretion, it distinguished that standard from proceedings under section 110-6.1 because sentencing decisions do not require the State to prove an element by clear and convincing evidence as section 110-6.1(e) does. *Morgan*, ¶ 31. Thus, the State's comparison of the standard of review in sentencing hearings has no bearing on the standard of review that should be applied in continued detention hearings. Further, the trial court imposes a sentence after a defendant has been proven guilty beyond a reasonable doubt whereas a detention decision concerns a defendant who is both presumed innocent and presumed eligible for release.

The State also argues that a ruling after a continued detention hearing is akin to an order granting or denying a motion to reconsider based on new evidence, which the State argues are reviewed for an abuse of discretion. (State's Br at 32-33). But a motion to reconsider is necessarily a motion filed by a party whom was on the losing side of a court's ruling. In detention proceedings, a defendant is never required to file motion to reconsider their detention; instead the statute provides that the trial court "must find that continued detention is necessary" at each subsequent court appearance by the defendant. 725 ILCS 5/110-6.1(i-5). Thus, a court's ruling after a continued detention hearing is not akin to a court's ruling on motion to reconsider based on new evidence.

Despite the State's efforts to analogize continued detention hearings with sentencing proceedings, or proceeding under the Juvenile Court Act, or proceedings pursuant to a motion to reconsider, there is only one type of hearing to which continued detention is analogous – initial detention hearings. This Court explicitly

found that the abuse of discretion standard is inapplicable to those initial proceedings. *Morgan*, ¶ 32. And although the *Morgan* Court made no mention of continued detention hearings, it held that the abuse of discretion standard is inapplicable to a trial court's ultimate detention decision under section 110-6.1 – a section that encompasses subsection (i-5). *Id*. Therefore, this Court should adopt the same standard of review in a continuing detention hearing as it announced in *Morgan*; that when live testimony is presented, the trial court's findings on those facts and its detention decision should be reviewed under the manifest-weight-of-the-evidence standard, and where both parties proceed by proffer, the standard of review of orders from pretrial detention hearings should be *de novo*. Because live testimony was presented at Jesse Post's continuing detention hearing, this Court should hold that review of the detention decision of the trial court's findings on those facts should be reviewed under the manifest-weight-of-the-evidence standard.

## II. The appellate court erred where it affirmed the trial court's order that Jesse Post remain detained after the appellate court found that Jesse Post had not demonstrated a change of circumstances or presented new facts that would allow the trial court to revisit his detention.

Jesse Post testified at his continuing detention hearing, presenting new information (R.114-117). Even after acknowledging this new information, however, the trial court ordered Post remain detained (R.126-27). Yet, despite the trial court's finding that Post had offered new information, the appellate court found that Post failed to demonstrate a change in circumstances or present new information *as is required* before the trial court could revisit Post's detention. *People v. Post*, 2025 IL App (4th) 250598, ¶¶ 30-31 (emphasis added). Section 110-6.1(i-5) does not require a defendant to demonstrate a change in circumstances or present new information before their pretrial detention can be revisited, and the appellate court erred in finding such.

Section 110-6.1(i-5) states that "at each subsequent appearance of the defendant before the court, the judge must find that continued detention is necessary to avoid 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, or to prevent the defendant's willful flight from prosecution." 725 ILCS 5/110-6.1(i-5). Despite the fact that the plain language does not require the defendant to present new evidence, the State argues that this text, "read in the context of the related provisions of the PFA [Pretrial Fairness Act], indicates that a showing of new information or a change in circumstances is necessary for a court to conclude that detention is no longer necessary." (State's Br. at 14-15).

The State argues that section 110-6/1(i-5) use of the word "continued" demonstrates that the trial court is required to "determine whether, given that

the defendant's detention was previously proved necessary, the conditions that required that detention continue to hold," and does not "require reconsideration of the initial detention order at every appearance [which] would render the word 'continued' superfluous." (State's Br. at 15-16). But "continued" merely describes what the trial court is determining – whether the defendant should be released or continue to be detained.

The State analogizes PFA continued detention hearings to detention hearings in the context of the Sexually Violent Persons (SVP) Commitment Act, arguing that the SVP Act, section 110-6.1:

> provides that the People carry a burden of proof at trial to establish that an individual must be detained — in the case of proceedings under the SVP Act, the People must prove that the individual is a sexually violent person. 725 ILCS 207/35. Following the judgment of commitment, the SVP Act requires periodic reevaluations to determine whether there is probable cause to believe that the committed person "is no longer a sexually violent person." 725 ILCS 207/65(b)(1). If so, the circuit court must then hold a hearing to determine whether "the committed person is still a sexually violent person." (State's Br. at 16, *citing* 725 ILCS 207/65(b)(2)).

The State notes that this Court rejected the argument that the trial court's task at SVP periodic reexamination proceedings was simply to reconsider whether the committed person was a sexually violent person (State's Br. at 16-17, *citing* *People v. Stanbridge*, 2012 IL 112337, ¶ 72. ). The State notes that the *Stanbridge* Court explained:

> "[b]y using the terms 'no longer' and 'still,' the legislature intended that the relevant inquiry must begin with the premise that the individual has been adjudicated [a sexually violent person]," and, therefore, "the individual must present some plausible evidence that demonstrates a change in the circumstances that led to this finding. To hold otherwise would render the terms 'no longer' or 'still' superfluous." *Stanbridge*, 2012 IL 112337, ¶ 72. ).

The State contends that the word "continued" plays a similar role in section

110-6.1(i-5), as "no longer" and "still" do in the SVP Act. (State's Br. at 17). The State argues that by "specifying that the circuit court is to evaluate the need for the defendant's 'continued detention,' the legislature signaled its intent that the inquiry proceed from the premise that the detention question has already been litigated and detention found necessary." *Id*.

The State's argument overlooks the entirely different scheme addressed in *Stanbridge*. Section 207/65(b)(1) of the SVP Act, which was the relevant section in *Stanbridge*, applies when a detained person has filed a petition for discharge without the Department of Human Services (DHS) determining that the person is no longer a sexually violent person. *Stanbridge*, 2012 IL 112337, ¶ 67. Under that section the movant bears the burden to show sufficient evidence to warrant a hearing on whether the person is still a sexually violent person. *Id*. The facts must show that, "the condition of the committed person has so changed that he or she is no longer a sexually violent person." *Id*. Thus, unlike an continued detention hearing, the relevant portion of the SVP Act explicitly requires a showing of a change in circumstances. This confirms that when the legislature intends that to be a requirement, it makes it clear in the statute.

Further, the SVP Act also requires that the Department of Human Services (DHS) submit a written report to the court on the mental condition of the committed person at least once every 12 months after an initial commitment, and if DHS at any time determines that the person committed is no longer a sexually violent person, DHS shall authorize the person to petition the committing court for discharge. 725 ILCS 207/55; 725 ILCS 207/65(a)(1). At a hearing on that type of petition, *the State* has the burden of proving by clear and convincing evidence that the petitioner is still a sexually violent person. 725 ILCS 207/65(a)(2)(emphasis

added). So, if DHS has determined that a person is no longer a sexually violent person, the State bears the burden to prove that the person still is a sexually violent person.

Under the PFA, all persons charged with an offense shall be eligible for pretrial release before conviction. 725 ILCS 5/110-2(a). Further, it is presumed that a defendant is entitled to release on personal recognizance on the condition that the defendant attend all required court proceedings and the defendant does not commit any criminal offense. *Id*. Nothing in the PFA states that eligibility or presumption evaporates for the duration of the proceedings simply because a person was detained after the State filed a petition to deny the defendant pre-trial releases. The eligibility and presumption for release remain throughout pretrial proceedings, otherwise why would the legislature require the trial court to find that continued detention is necessary at each subsequent appearance by the defendant before the court? Hence, because a defendant is only detained due to the State filing a petition, the burden is still on the State to prove that continued detention is necessary, and, vicariously, the defendant does not need to show any new information or facts to effectuate their release.

The State also contends that distinctions between 725 ILCS 5/110-5(f-5), 725 ILCS 5/110-6(j), and 725 ILCS 5/110-6.1(i-5), "confirms that subsection 110-6.1(i-5) is intended to require new information or a change in circumstances before the court modifies a defendant's detention status. (State's Br. at 18-19). Section 5/110-5(f-5) states that "[t]he court is not required to be presented with new information or a change in circumstance to remove pretrial conditions." (State's Br. at 19). The State then notes that section 5/110-6(j)(relating to subsequent appearances for defendants who have been detained after a finding that they have

violated pre-trial conditions), and section 110-6.1(i-5) do not contain similar language to what was noted above in section 5/110-5(f-5). (State's Br. at 19). The State presumes that the legislature intentionally omitted from sections 110-6(j) and 110-6.1(i-5) the phrase "'[t]he court is not required to be presented with new information or a change in circumstance to remove pretrial conditions.'" (State's Br. at 20). The State further presumes that the legislature "intentionally omitted permission for courts to make a change to pretrial detention without new information or a change in circumstances from subsections 110-6(j) and 110-6.1(i-5)." *Id.*

In the bail statute that was replaced by the PFA, both the State or the defendant could make an application to increase or reduce the amount of bail, or ask that the conditions of the bail bond be altered, or ask to grant bail where it has been previously revoked or denied. 725 ILCS 5/110-6(a)(2023). However, if bail was denied or revoked, the defendant had to present a verified application setting forth in detail *any new facts* not known or obtainable at the time of the previous revocation or denial of bail proceedings. *Id.* (emphasis added). Yet, the legislature placed no such requirement that a defendant "detail any new facts" in the PFA.

The primary goal in interpreting a statute is to ascertain and give effect to the intent of the legislature. *People v. Roberts*, 214 Ill. 2d 106, 116 (2005). The best indicator of legislative intent is the language of the statute itself, given its plain and ordinary meaning. *People v. Gaytan*, 2015 IL 116223, ¶ 23. "A court may not add provisions that are not found in a statute, nor may it depart from a statute's plain language by reading into the law exceptions, limitations, or conditions that the legislature did not express." *Schultz v. Illinois Farmers Insurance Co.*, 237 Ill. 2d 391, 408 (2010). The State is asking this Court to read something

into section 110-6.1(i-5) that simply is not there – that a defendant must present new information or a change in circumstances before the court modifies a defendant's detention status. (State's Br. at 18-19). Had the legislature actually intended what the State thinks the legislature intended, it could have simply included the language of the prior bail statute in the PFA and expressly required that new information or a change in circumstances be presented before the court could modify a defendant's detention status. Yet, the legislature did not do so.

Yet, perhaps, the legislature included the language in section 5/110-5(f-5) that the court is not required to be presented with new information or a change in circumstance to remove pretrial conditions because the legislature wanted to amplify that all persons charged with an offense shall be eligible for pretrial release before conviction, and that sometimes simply the passage of time warrants the removal of pretrial conditions, or the court now finds that those conditions no longer serves the ends of justice. 725 ILCS 5/110-2(a).

Requiring a court to be presented with new information or a change in circumstances before revisiting a pretrial detention order could lead to defendants being unjustly detained. For instance, if the trial court misapplied the law at the initial section 110-6.1 detention hearing, it should be able to revisit that decision. Similarly, the court should be allowed to release a defendant if the case has been subject to an untenable, unjust delay through no fault of the defendant. There could also be instances where the court believes that its initial detention order was misguided, or made in haste, and that release with conditions was actually warranted in the case, and should, in fact, be ordered following a continued detention hearing.

The State nonetheless complains that "[r]equiring the circuit court to

repeatedly reconsider its initial detention decision based on no new information would result in needless and sometimes impermissible reconsideration of issues already decided." (State's Br. at 21). The State argues if an initial detention has been affirmed by the appellate court that:

> absent new information or a change in circumstances, defendant would have to concede that (1) the circuit court already ruled that detention was necessary and (2) the appellate court had affirmed that ruling as correct, and argue that the court nonetheless should reconsider the ruling despite nothing having changed. There is no reason to believe that the legislature intended to require that the circuit court waste judicial resources in this manner. (State's Br. at 23-24, *citing People v. Garcia*, 241 Ill. 2d 416, 421 (2011)).

But the legislature's intent in section 110-6.1(i-5) is clear, the court is required at each subsequent appearance of the defendant before the court to make a finding as to whether continued detention is necessary to avoid 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. 725 ILCS 5/110-6.1(i-5). Had the legislature intended the result the State desires, that a defendant could never be released without the defendant first showing new information or facts, then the legislature could have simply adopted the application procedure from the prior bail statute. It did not. Perhaps it did not because the PFA's primary goal is the liberty of defendants, not their detention. See 725 ILCS 5/110-2(e)(listing first before any other purpose that the PFA "shall be liberally construed to effectuate the purpose of relying on pretrial release by nonmonetary means..."). And that goal puts the onus and burden on the State to prove why a defendant should be detained.[1]

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[1]In a May 27, 1788 letter to Colonel Edward Carrington, Thomas Jefferson said: "The natural progress of things is for liberty to yield and government to gain ground." Perhaps one of the enduring strengths of the Pretrial Fairness Act will be that the government will yield and liberty shall gain ground.

Finally, although not required, Jesse Post presented new information at the continued detention hearing regarding his living arrangements upon release, and his inability to secure information that would help in the preparation of his defense if he were to remain detained. Thus, the trial court's order that Post remain detained was against the manifest weight of the evidence. This Court should review this case under the manifest weight of the evidence standard and hold that the appellate court erred where it affirmed the trial court's continued detention order and rule that the detention order be vacated, and to also rule that this matter be remanded back to the trial court for a conditions of release hearing.

## CONCLUSION

For the foregoing reasons, Jesse Post, Defendant-Appellant, respectfully requests that this Court vacate the trial court's order that Jesse Post remain in detention, and also order that this matter be remanded back to the trial court for a conditions of release hearing.

Respectfully submitted,

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## CERTIFICATE OF COMPLIANCE

I certify that this reply brief conforms to the requirements of Rules 341(a) and (b). The length of this reply brief, excluding pages or words contained in the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, and the certificate of service, is 18 pages.

/s/ James Wozniak
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**NOTICE AND PROOF OF SERVICE**

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Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct. On April 3, 2026, the Reply Brief for Defendant-Appellant in Support of Rule 604(h) Appeal 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. mailbox in Chicago, Illinois, with proper postage prepaid. Additionally, upon its acceptance by the court's electronic filing system, the undersigned will send 13 copies of the Reply Brief for Defendant-Appellant in Support of Rule 604(h) Appeal to the Clerk of the above Court.

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