

2026 IL App (1st) 252531-U

No. 1-25-2531B

Order filed May 8, 2026

Third Division

**NOTICE:** This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST DISTRICT

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THE PEOPLE OF THE STATE OF ILLINOIS	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 25 CR 8077
	)	
KRISTIN HOLMES-TUCKER,	)	Honorable
	)	Timothy J. Joyce,
Defendant-Appellant.	)	Judge, presiding.

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JUSTICE LAMPKIN delivered the judgment of the court.  
Presiding Justice Martin concurred in the judgment.  
Justice Reyes specially concurred.

**ORDER**

- ¶ 1 *Held:* The trial court's judgment, which ordered that defendant be detained pretrial and subsequently ordered her continued detention, is affirmed.
- ¶ 2 Defendant Kristin Holmes-Tucker is charged with five counts of attempt first degree murder, two counts of aggravated domestic battery, and one count of aggravated battery, all related to an incident in which she allegedly shot her estranged husband, Darryl Tucker, on June 21, 2025.

She now appeals the trial court's order denying her pretrial release pursuant to Section 110-6.1 of the Code of Criminal Procedure (Code). 725 ILCS 5/110-1 *et seq.* (West 2024).

¶ 3 The General Assembly used Public Act 101-652 (eff. Jan. 1, 2023), commonly known as the Pretrial Fairness Act, to amend Section 110 of the Code and affect sweeping changes to how our criminal justice system treats pretrial detention and release. *See Rowe v. Raoul*, 2023 IL 129248, ¶ 4 n.1 (noting neither “SAFE-T Act” nor “Pretrial Fairness Act” are “official” names but common shorthand for sequence of public acts). Section 110 of the Code eliminates cash bail, presumes that *all* defendants, regardless of the alleged offense, are eligible for pretrial release, and establishes a number of new procedural rules regarding pretrial release. To succeed on a petition for pretrial detention, the State must make certain showings by clear and convincing evidence to demonstrate why the pretrial incarceration of any defendant is warranted. 725 ILCS 5/110-6.1(e)(1)-(4) (West 2024).

¶ 4 The trial court initially ordered that defendant be detained pretrial. Defendant filed a motion for relief challenging that order and her continued detention, which was denied. She then subsequently petitioned for her release from detention again, which was also denied. She now appeals those three orders.

¶ 5 For the reasons that follow, we affirm the judgment of the trial court.<sup>1</sup>

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<sup>1</sup>Pursuant to a February 11, 2026, Order, the disposition of this accelerated appeal was due by May 4, 2026. However, on April 1, 2026, this case was transferred from the previously assigned author to the docket of the current author who has endeavored to complete its disposition as expeditiously as possible under the circumstances.

¶ 6

## I. BACKGROUND

¶ 7 The State initially charged defendant by complaint with one count of aggravated battery involving the discharge of a firearm.<sup>2</sup> On June 23, 2025, the State filed a petition for pretrial detention, citing defendant's aggravated battery charge as the basis for detention. That petition made the following factual allegations:

“Victim and Defendant are married and have a child in common. Victim and Defendant are in the process of separating. Defendant no longer resides with Victim. On 6/20/25, Defendant came over to Victim's residence uninvited. Defendant refused to leave. Victim allowed Defendant to stay the night with the expectation that she leave on 6/21/25. On 6/21/25, Victim rebuffed Defendant's advances to discuss continuing their relationship. Defendant produced a black firearm and shot Victim, striking Victim in the abdomen. Victim tried to call police, but Defendant wouldn't allow him to. Victim feared for his life. Defendant later called police after discussing a plan to tell police that Victim had accidentally shot himself. Victim was transported to hospital and underwent surgery.”

¶ 8 The same day, the trial court ordered defendant detained.<sup>3</sup> As the basis for concluding that defendant posed a threat, the written order stated that defendant went to the victim's home uninvited, stayed the night, attempted to rekindle the relationship, and then shot Tucker in the stomach before calling the police and claiming that Tucker shot himself. The written order concluded that no condition or combination of conditions could mitigate that threat because

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<sup>2</sup>This complaint does not appear in the record.

<sup>3</sup>The record does not contain a transcript from this hearing.

defendant had made suicidal and homicidal statements, and made false statements to police, and the risk of noncompliance would result in severe consequences and risk for Tucker.

¶ 9 On July 14, 2025, the State superseded its complaint with an indictment charging defendant with five counts of attempt first degree murder, one count of aggravated battery, and two counts of aggravated domestic battery, all of which alleged that defendant shot Tucker.

¶ 10 On July 23, 2025, defendant filed a motion for relief pursuant to Supreme Court Rule 604(h)(2), claiming that the State failed to meet its burden of proof to justify pretrial detention. It alternatively claimed that even if defendant's detention was originally justified, it was no longer warranted pursuant to section 110-6.1(i-5) of the Code. As part of the hearing on that motion, defendant presented the testimony of her father, Kevin Holmes.

¶ 11 Holmes testified that he was a retired Aurora police officer and that he worked part time with the Kane County Forest Preserve Police. He stated that defendant could live with him if she were released and that he would report any violation of any conditions of release. He further stated that he would ensure that defendant had no access to firearms and abided by all court orders.

¶ 12 On cross-examination, Holmes stated he dropped defendant off at Tucker's home prior to the shooting and he was unaware she had a gun. He was also unaware that defendant had any mental health issues or that Tucker had previously called police to report that defendant was threatening him. However, he claimed that he was aware of Tucker having "violent tendencies" toward defendant in the past.

¶ 13 The court then allowed the parties to argue and make proffers. Defense counsel did not proffer any facts related to the offense except that he anticipated his investigation would yield

“extensive Lynch evidence” demonstrating that defendant acted in self-defense. He further noted that defendant had no criminal history, no failures to appear, and had never violated a court order.

¶ 14 The State, in turn, proffered that defendant moved to Arizona with their son in March 2024. In April 2024, Tucker ended their relationship and the couple agreed that their son would alternate spending one month in Chicago and one month in Arizona. According to the State, defendant often showed up unannounced at Tucker’s home and she had keys to the apartment. In June 2025, Tucker signed a new lease where he was the sole tenant, but the landlord did not allow him to change the locks.

¶ 15 On June 20, 2025, defendant arrived unannounced at Tucker’s apartment. Her father dropped her off and took the couple’s son with him. Tucker called 911 to have police remove defendant. Defendant showed police the previous lease agreement and claimed that she resided at the apartment. Tucker provided officers with the new lease agreement which reflected that defendant was not a current tenant. Investigating officers subsequently contacted the building’s property management who did not have a copy of the new lease, and the officers could not contact the landlord to confirm the newer lease. The officers did not note any injuries to either Tucker or defendant and left.

¶ 16 Defendant stayed the night and then refused to leave the following day. She continued to try to discuss with Tucker their relationship. At one point, Tucker walked from the bathroom, through a walk-in closet, toward his bed. Defendant told Tucker, “I can’t do this anymore.” Tucker looked at defendant, heard a gunshot, and fell to his knees. He felt blood coming from his torso and saw defendant holding a black firearm.

¶ 17 Tucker reached for his phone to call 911, but defendant continued pointing the gun at him. Tucker felt the only way to save his own life was to tell defendant that they could continue to work on their relationship, and he told defendant that he would claim he shot himself on accident. That conversation lasted approximately ten minutes, at which point defendant called 911 and said that Tucker had accidentally shot himself. Before police arrived, defendant removed the gun's magazine and hid it, and removed the chambered round before wiping her own fingerprints from the gun. She then placed the gun in Tucker's left hand, even though he is right-handed.

¶ 18 When police arrived, Tucker was laying face down on the ground in the bedroom and defendant was kneeling next to him providing water. Officers recovered a spent cartridge casing just outside the bedroom in the living room area. While Tucker was being treated and defendant was outside the room, Tucker asked emergency staff not to allow defendant to ride in the ambulance with him.

¶ 19 The State further proffered that body-worn camera footage would show that defendant told police, "He was hurting me." She then told police that the gun was in her suitcase and Tucker retrieved it and began flipping it in the air when it went off. Tucker underwent surgery to repair a lacerated liver. After the surgery, when defendant was not present, he told officers that defendant shot him and that he claimed he accidentally shot himself because he was afraid.

¶ 20 The State then recited prior occurrences related to Tucker and defendant. On November 21, 2021, Tucker called 911 and reported that defendant was threatening to purchase a gun. On February 4, 2022, Tucker called 911 and claimed that defendant was armed with a gun and making threats. According to the State, on June 2, 2022, defendant was subject to a mental health transport, but the State provided no additional details. On February 9, 2024, Tucker called 911 because

defendant was threatening him. Hours later the same day, Tucker called 911 again to report that defendant had returned and was “causing problems.” On February 14, 2024, both defendant and Tucker called 911. Defendant claimed that Tucker “had been drinking,” and Tucker reported that defendant had taken their child and left the scene. On April 14, 2024, Tucker told defendant he was breaking up with her. Defendant grabbed a gun from her bra, pointed it at herself, and claimed she was going to kill herself. When officers entered the apartment, Tucker was holding onto defendant and he was ultimately able to take the weapon from her and threw it onto the ground. That gun was seized by the responding officers and was not returned to her, meaning that defendant purchased another gun prior to the events of the instant case. Following the April 14, 2024, incident, defendant was placed into protective custody for a mental health evaluation.

¶ 21 In response, defense counsel argued that the State’s proffer came “from the victim” and that there was “no corroboration of that.” He also argued that, at trial, defendant would be arguing that she acted in self-defense and that “it’s just as plausible and it’s more so that there was a fight, that [defendant] had to do what she had to do to [defend] herself, and the victim was shot.” However, once again defense counsel did not proffer any specifics as to defendant’s version of what transpired. The trial court denied that motion on July 28, 2025.

¶ 22 On October 24, 2025, defendant filed a supplemental petition for relief from detention. That petition alleged that defendant was not a risk to the community or Tucker and attached a report of a psychological evaluation performed on defendant by Dr. Steven Farmilant, Psy.D. Defendant alleged that this psychological evaluation indicated that defendant was not a danger to herself or others and that defendant anticipated arguing at trial that post-traumatic stress disorder (PTSD) and battered woman syndrome (BWS) would support her claim that she acted in self-

defense. Defendant further argued that even if she was a danger to others, there were conditions capable of mitigating that danger. Psychological testing performed on defendant indicated “a low risk of violent behavior,” and that she was “more likely to express her anger indirectly, rather than in direct ways.” However, the report also observed that she showed “limited tolerance for frustration and a tendency toward emotional outbursts and impulsive actions and is more likely than most people to lose behavioral control in moderately stressful circumstances.”

¶ 23 The trial court held a hearing on defendant’s supplemental petition on October 29, 2025. During that hearing, defense counsel referred to the discharge of the firearm, stating “whether it was by her or her husband, whatever the case may be.” The trial court interjected and asked, “What do you mean whatever the case may be?” before pointing out that defense counsel had repeatedly insisted that defendant acted in self-defense. It followed up by stating, “You might not want to tell me two mutually exclusive things.” Defense counsel then stated that “the defense of self-defense is something that we’re still considering based on what exactly happened.”

¶ 24 The trial court denied defendant’s petition and ordered that defendant’s detention continue. Defendant filed a notice of appeal on November 25, 2025.

¶ 25

## II. ANALYSIS

¶ 26 Defendant challenges the trial court’s initial detention order on June 23, 2025, the denial of her combined motion for relief and petition for release on July 28, 2025, and the denial of her supplemental petition for relief from detention on October 29, 2025. Defendant’s argument challenges these orders by blending them into one argument that the State failed to prove by clear and convincing evidence that: (1) proof is evident or the presumption great that defendant

committed the offense of aggravated battery; (2) defendant poses a threat to the safety of others; and (3) no conditions could mitigate the threat posed by defendant.

¶ 27 However, our review of this argument is substantially impeded. The record does not contain a transcript of defendant's initial detention hearing, which contains facts critical to the issue of defendant's detention. An appellant has the burden to present a sufficiently complete record of the proceedings at trial to support a claim of error, and in the absence of such a record on appeal, it will be presumed that the order entered by the trial court was in conformity with law and had a sufficient factual basis." *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). Any doubts which may arise from the incompleteness of the record will be resolved against the appellant. *Id.* at 392.

¶ 28 Defendant's memorandum is replete with factual assertions based on proffers made at defendant's initial detention hearing. In particular, defendant claims that at the initial detention hearing, she proffered that Tucker was abusive toward defendant, that she had photos of injuries sustained from that abuse, that she moved to Arizona to escape the abuse, and that Tucker was physically abusing defendant before she shot him. Defendant also asserts that she proffered that she did not hide the firearm's magazine and produced it when the police arrived, that she made the weapon safe, and that she rendered aid and called 911.

¶ 29 We are incapable of verifying whether any of this was said at the defendant's initial detention hearing, nor do we have any record of what any of the parties or the trial court said at this hearing. Without the transcript of the initial detention hearing, we can only presume that the trial court's June 23, 2025, detention order had a sufficient factual basis and was made in conformity with the law. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92.

¶ 30 Next, we consider defendant’s challenge to the trial court’s July 28, 2025, order which denied her motion for relief and denied her request to be released from pretrial detention. We take these two components in turn beginning with the motion for relief. Defendant’s motion for relief sought review of the initial detention order and claimed that the State failed to meet its burden of proof. This claim is similarly reliant on the facts of defendant’s initial detention hearing, and thus we can only presume that the trial court’s order was made in conformity with the law and had a sufficient factual basis. *Id.*

¶ 31 Review of defendant’s request for pretrial release based on section 110-6.1(i-5) of the Code is similarly frustrated. Section 110-6.1(i-5) of the Code provides 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) (West 2024).

¶ 32 The trial court’s task when reviewing the necessity of continued detention is inseparable from the facts that led to defendant’s detention in the first place. This is because, rather than ask whether pretrial detention can mitigate a threat posed by the defendant, the analysis under section 110-6.1(i-5) “starts from the premise that detention was necessary to guard against that threat and asks whether anything has changed such that a defendant’s detention is no longer warranted.” *People v. Thomas*, 2024 IL App (1st) 240479, ¶ 14.

¶ 33 “The original detention order is always the context against which a subsequent review must be measured. It is the baseline from which to assess the significance of any alleged change in circumstances or new information.” *People v. Walton*, 2024 IL App (1st) 240541, ¶ 37. Our

colleague, in his special concurrence, asserts that this is a “judicially-created analytical approach” that is unsupported by the language of subsection 110-6.1(i-5). *Infra* ¶ 56. But this claim ignores the statutory construction analysis that *Walton* performed. *Walton* observed that there are three similar provisions in section 110 of the Code that pertain to the trial court’s obligation to review detention or release status. *Walton*, 2024 IL App (1st) 240541, ¶ 24. The first, when a defendant is released with conditions, requires the trial court, at each and every court date, to find that the current conditions imposed are necessary to ensure the defendant’s appearance, the safety of others, and the defendant’s compliance with pretrial conditions. *Walton*, 2024 IL App (1st) 240541, ¶ 25; 725 ILCS 5/110-5(f-5) (West 2024). This provision explicitly states that “[t]he court is not required to be presented with new information or a change in circumstance to remove pretrial conditions.” 725 ILCS 5/110-5(f-5) (West 2024).

¶ 34 *Walton* then compared that language to the other two provisions, sections 110-6(j) and 110-6.1(i-5), both of which require the trial court to reevaluate, at every court date, whether the defendant’s continued detention is necessary to prevent the defendant from being charged with another felony or Class A misdemeanor, or to avoid a threat to any person, respectively. *Walton*, 2024 IL App (1st) 240541, ¶¶ 26-27; 725 ILCS 5/110-6(j) (West 2024); 725 ILCS 5/110-6.1(i-5) (West 2024). *Walton* observed that only section 110-5(f-5) specifically states that the trial court may make changes to the defendant’s pretrial release or detention status without new information or a change in circumstances. *Walton*, 2024 IL App (1st) 240541, ¶ 28. It thus reasoned that the legislature’s decision to omit similar language from the latter two provisions indicates that new information or a change in circumstances is a necessary showing to obtain relief under sections 110-6(j) or 110-6.1(i-5). *Id.* *Walton* concluded that, “[t]his is not a surprising conclusion. If a court

has found that a defendant qualifies for detention and no new information or change in circumstances is presented, it makes little sense to think that court would reverse its prior ruling for no particular reason.” *Id.* ¶ 29.

¶ 35 Accordingly, if we cannot review the underlying circumstances that resulted in defendant’s initial pretrial detention and possess all of the relevant facts, it is impossible to determine if defendant’s new evidence in the form of her father’s testimony mitigates the threat she poses such that she can be released. 725 ILCS 5/110-6.1(i-5) (West 2024). The special concurrence challenges this reasoning, and claims that even *Thomas* only discussed the proffers made at the continued detention hearing. *Infra* ¶ 56. However, it disregards the fact that in performing its analysis regarding the necessity of the defendant’s continued detention, *Thomas* had access to the details of the defendant’s initial detention hearing. *Thomas*, 2024 IL App (1st) 240479, ¶ 4. And *Thomas* specifically noted that “the only thing that changed between defendant’s initial detention hearing and his petition for release was that he was discharged from his parole term.” *Thomas*, 2024 IL App (1st) 240479, ¶¶ 4, 17.

¶ 36 The special concurrence also asserts that this issue is nevertheless reviewable because “the parties made lengthy factual proffers of the evidence” at the July 28, 2025, hearing. *Infra* ¶ 57. As we have summarized above, the State made a lengthy proffer about the alleged facts of the case at that hearing. But we have no way of knowing how that proffer compares to the one made at the initial detention hearing. Moreover, at the July 28, 2025, hearing, defendant did not provide a lengthy factual proffer. She proffered generally that she acted in self-defense and that she had no criminal history and no failures to appear, as well as some ancillary details such as the fact that she called 911 and rendered aid. But she did not make a detailed factual proffer as to her version

of the shooting itself. We are unable to determine if defendant's additional evidence at the continued detention hearing warranted her release when compared to the circumstances that precipitated her initial detention if we can only speculate what those circumstances were.

¶ 37 Moreover, even if we had a sufficient record by which to review the necessity of defendant's continued detention, defendant did not file a Rule 604(h)(2) motion after the trial court's July 28, 2025, order that specifically challenges the denial of this portion of her claim to preserve it for appeal. *Cooksey*, 2024 IL App (1st) 240932, ¶ 17; Ill. S. Ct. R. 604(h)(2) (eff. Apr. 15, 2024). Thus, we would be precluded from considering the merits of this portion of the appeal even if the record was complete. *Cooksey*, 2024 IL App (1st) 240932, ¶ 17.

¶ 38 Finally, that leaves us with the trial court's October 29, 2025, order regarding defendant's supplemental petition for relief from detention, which is a confused filing. The petition invokes Rule 604(h)(2)'s requirement that a motion for relief be filed as a prerequisite to an appeal, even though the petition does not challenge any previous court orders. Ill. S. Ct. R. 604(h)(2) (eff. Apr. 15, 2024). As this court has noted, the provision in Rule 604(h)(2) is a means to "give the trial court the opportunity to correct errors, crystallize the issues being raised in the trial court, streamline the appeal process, and make explicit the rules regarding issue preservation." *People v. Cooksey*, 2024 IL App (1st) 240932, ¶ 16.

¶ 39 Instead, defendant's petition invokes section 110-6.1(i-5) of the Code, seeks defendant's release, offers new information in the form of a psychological evaluation, focuses its argument solely on whether defendant's continued detention is appropriate, and does not allege any errors previously committed by the trial court. Thus, it only makes sense to construe this pleading as seeking defendant's release from detention rather than a Rule 604(h)(2) motion for relief, which

is a procedural prerequisite for appellate review. *Cooksey*, 2024 IL App (1st) 240932, ¶ 17; see also *In re Haley D.*, 2011 IL 110886, ¶ 67 (“the character of a pleading should be determined from its content, not its label”).

¶ 40 However, like defendant’s previous request for release under section 110-6.1(i-5), the incomplete record once again frustrates our review. Determining whether the new information at issue, the psychological evaluation from Dr. Farmilant, indicates that continued detention is no longer necessary is impossible without a complete record that contains the underlying facts justifying defendant’s initial detention.

¶ 41 Furthermore, even if we had a complete record, this is another example where defendant did not follow the trial court’s October 29, 2025, order with a Rule 604(h)(2) motion for relief to properly preserve the issue for appeal. *Cooksey*, 2024 IL App (1st) 240932, ¶ 17; Ill. S. Ct. R. 604(h)(2) (eff. Apr. 15, 2024). Thus, we would once again be precluded from considering the merits of this portion of the appeal.

¶ 42 Because the record filed with this court is missing a significant component of the record that contains facts critical to evaluating the propriety of defendant’s detention, and it is defendant’s responsibility to supply us with a complete record, we can only presume that the trial court’s orders had a sufficient factual basis and were made in conformity with the law. *Foutch*, 99 Ill. 2d 389, 391-92.

¶ 43 However, it must be noted that the Code requires the trial court to reevaluate the propriety of defendant’s detention at each and every court date. 725 ILCS 5/110-6.1(i-5) (West 2024). Nothing in our disposition of this case precludes defendant from continuing to seek release from pretrial detention and appealing any denials of those efforts.

¶ 44 Accordingly, the judgment of the trial court which ordered defendant detained, denied her motion for relief, and subsequently denied her petition for release from pretrial detention, are affirmed.

¶ 45 III. CONCLUSION

¶ 46 For the foregoing reasons, we affirm the judgment of the trial court.

¶ 47 Affirmed.

¶ 48 REYES, J., specially concurring:

¶ 49 I concur with the majority's conclusion that the trial court properly ordered defendant's continued detention. I must write separately, however, concerning several aspects of the majority's decision.

¶ 50 First, as the majority observes, the defendant in this case is appealing three orders: June 23, 2025; July 28, 2025; and October 29, 2025. Although not mentioned by parties or by the majority, defendant already appealed the June 23, 2025, initial pretrial detention order in case No. 1-25-1645B. At defendant's request, the appeal was dismissed on the basis of mootness on November 18, 2025. Defendant now attempts to appeal the same order a second time in the instant appeal.

¶ 51 Our jurisdiction to consider an interlocutory appeal of an order entered pursuant to section 110-6.1 of the Code comes from Illinois Supreme Court Rule 604(h) (eff. Apr. 15, 2024); see *Blumenthal v. Brewer*, 2016 IL 118781, ¶ 22 (“absent a supreme court rule, the appellate court is without jurisdiction to review judgments, orders, or decrees that are not final”). Under Rule 604(h), “[a]n appeal” may be taken by either the defendant or the State from an interlocutory order entered under section 110-6.1. (Emphasis added.) Ill. S. Ct. R. 604(h)(1) (eff. Apr. 15, 2024). After

disposition of a motion for relief in the circuit court, a party may initiate “*an appeal*” by filing a notice of appeal in the circuit court at any time prior to conviction. (Emphasis added.) Ill. S. Ct. R. 604(h)(3) (eff. Apr. 15, 2024). Nothing in the language of Rule 604(h) suggests that a party is permitted to file an appeal of a pretrial detention order, receive a disposition of that appeal, and then subsequently file a new appeal of the same order on precisely the same basis.<sup>4</sup> Instead, Rule 604(h) appears to contemplate *one* appeal—*an* appeal—from each order. Indeed, Rule 604(h)(11), which concerns subsequent orders, makes clear that “[n]o appeal from a *subsequent* detention or release order may be taken while a prior appeal” remains pending in the appellate court. (Emphasis added.) Ill. S. Ct. R. 604(h)(11) (eff. Apr. 15, 2024). There is no indication that an appeal from the *same* order may be taken more than once. Absent any contrary authority from either the parties or the majority, I cannot find that Rule 604(h) permits repeated appeals from the same detention order and, accordingly, I do not believe that we have jurisdiction to consider defendant’s challenge to the initial detention order.

¶ 52 I also observe that the basis for the defendant’s voluntary dismissal of her prior appeal was defense counsel’s representation that the issues raised in her prior appeal were moot. The jurisdiction of a court of review is limited to cases which present an actual controversy. *Steinbrecher v. Steinbrecher*, 197 Ill. 2d 514, 523 (2001). As such, we will generally not decide moot questions, render advisory opinions, or consider issues where the result will not be affected regardless of how those issues are decided. *In re Alfred H.H.*, 233 Ill. 2d 345, 351 (2009). Defendant did not address counsel’s prior representation of mootness as to the June 23, 2025,

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<sup>4</sup>I observe that defendant’s notice of appeal in the instant appeal is almost identical to her notice of appeal in the prior appeal.

order, nor did she explain why the issues raised in that order were no longer moot. As such, I believe that this court lacks jurisdiction to consider (1) a repeated appeal from a single order, much less (2) one which defendant herself previously represented as presenting a nonjusticiable matter. In my view, then, the only orders we have the jurisdiction to consider on appeal are the circuit court's July 28, 2025, and October 29, 2025, continued detention orders.

¶ 53 I agree with the majority that, to the extent defendant challenges her continued detention on October 29, 2025, such a claim is not properly before us, as defendant did not file a Rule 604(h)(2) motion for relief following that order. See *supra* ¶ 41. I believe, however, that the circuit court's order concerning defendant's continued detention on July 28, 2025, is properly before us and that we have an adequate record to consider her claims.

¶ 54 As the majority recognizes, on July 23, 2025, defendant filed a combined motion for relief under Rule 604(h)(2) and a motion for pretrial release pursuant to section 110-6.1(i-5) of the Code. See *supra* ¶ 10. To the extent that the motion sought relief with respect to the June 23, 2025, initial detention order, I would find it unreviewable for the reasons set forth above. I would, however, consider the portion of her motion filed under section 110-6.1(i-5) of the Code. As relevant to the instant case, section 110-6.1(i-5) requires that, “[a]t 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.” 725 ILCS 5/110-6.1(i-5) (West 2024). In its July 28, 2025, order, the circuit court found that defendant's continued detention was necessary, a decision with which I agree.

¶ 55 The majority finds that review of the circuit court’s order is “frustrated” by the lack of a transcript from the initial detention hearing (*supra* ¶ 31), going so far as to state that it is “impossible” to determine whether the evidence presented at the continued detention hearing warranted her release without such a transcript (*supra* ¶ 35). I disagree with this assertion. There is a report of proceedings from the July 28, 2025, continued detention hearing, at which both parties made extensive proffers as to the facts of the case, and defendant presented the testimony of a witness. Such a record is more than sufficient for us to review the propriety of the circuit court’s continued detention finding.

¶ 56 The basis for the majority’s conclusion is the theory that, unlike an initial detention hearing, “the analysis under section 110-6.1(i-5) ‘starts from the premise that detention was necessary to guard against [the threat posed by the defendant] and asks whether anything has changed such that a defendant’s detention is no longer warranted.’ ” *Supra* ¶ 32 (quoting *People v. Thomas*, 2024 IL App (1st) 240479, ¶ 14); see also *supra* ¶ 33 (describing the original detention order as the “‘baseline’ ” from which to begin any subsequent review (quoting *People v. Walton*, 2024 IL App (1st) 240541, ¶ 37)). As an initial matter, I observe that this represents a judicially-created analytical approach to reviewing continued detention orders, as the language of section 110-6.1(i-5) does not refer to changed circumstances. Even under such an approach, however, the transcript of the initial detention proceedings is not automatically necessary to determine whether “anything has changed” in the defendant’s case. Indeed, even the case relied on by the majority imposes no such requirement, discussing only the factual proffers made *at the continued detention hearing* in considering the propriety of the circuit court’s order. See *Thomas*, 2024 IL App (1st) 240479, ¶ 5.

¶ 57 Such a requirement is even less logical in the instant case where, as is common, the judge considering defendant's continued detention was not the same judge who initially ordered her detained. Nothing in the record suggests that the new judge was presented with a copy of the transcript of the initial detention hearing—instead, the parties made lengthy factual proffers of the evidence. If the very judge making the decision as to the defendant's continued detention may make such a finding without a transcript of the prior hearing, a reviewing court may certainly do the same in considering the propriety of such a finding. Consequently, I cannot agree with the majority's decision to rely on a presumption of correctness based on an inadequate record where, in my view, the record is more than sufficient to review defendant's claims on their merits.

¶ 58 Finally, I disagree with the majority's suggestion that the July 28, 2025, order is not properly before us where “defendant did not file a Rule 604(h)(2) motion after the trial court's July 28, 2025, order that specifically challenges the denial of this portion of her claim to preserve it for appeal.” *Supra* ¶ 37. Rule 604(h)(2) requires that, “[a]s a prerequisite to appeal, the party taking the appeal shall first present to the trial court a written motion requesting the same relief to be sought on appeal and the grounds for such relief.” Ill. S. Ct. R. 604(h)(2) (eff. Apr. 15, 2024). In this case, on October 24, 2025, defendant filed a “Supplemental Petition for Relief from Detention,” in which she requested pretrial release “under Supreme Court Rule 604(h)(2) and 725 ILCS 5/110.” To be clear, the majority is correct when it refers to this document as a “confused filing” which does not expressly challenge the circuit court's prior orders. *Supra* ¶ 38. It does, however, set forth defendant's arguments concerning her dangerousness and available pretrial conditions. Given defendant's express invocation of Rule 604(h)(2) and given that proceedings under the Pretrial Fairness Act are generally to be construed liberally (see 725 ILCS 5/110-2(e)

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(West 2024)), I would find that defendant's October 24, 2025, filing suffices as a Rule 604(h)(2) motion for relief with respect to the circuit court's July 28, 2025, order. Accordingly, I would find that the circuit court's July 28, 2025, order is properly before us and would affirm the circuit court's decision on its merits.