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

No. 131564

IN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellant, v. GEOFFREY P. SEYMORE, Defendant-Appellee.	)))))))))))	Appeal from the Appellate Court of Illinois, Second District, No. 2-24-0616 There on Appeal from the Circuit Court of DeKalb County No. 2024 CF 499 The Honorable Joseph C. Pedersen, Judge Presiding.

BRIEF AND APPENDIX OF PLAINTIFF-APPELLANT PEOPLE OF THE STATE OF ILLINOIS

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POINTS & AUTHORITIES

NATURE OF THE ACTION

In pretrial proceedings under article 110 of the Code of Criminal Procedure of 1963 ("Code") (725 ILCS 5/110-1 *et seq.*), as amended by Public Act 101-652 (eff. Jan. 1, 2023)[1] and Public Act 102-1104, § 70 (eff. Jan. 1, 2023), the circuit court imposed a sanction of 30 days in jail for defendant's violations of his pretrial release conditions and ordered that the sanction could not be reduced through the application of good-conduct credit. C28; R16, 61-63; A13; *see also* 725 ILCS 5/110-6(f) (authorizing such sanctions).[2] Defendant appealed the portion of the court's sanction order denying good-conduct credit. A17-18. The appellate court reversed and vacated the circuit court's sanction order in part, holding that under the County Jail Good Behavior Allowance Act ("Good Behavior Act" or "Act"), 730 ILCS 130/3, good-conduct credit applies to any jail term imposed as a sanction under subsection 110-6(f) of the Code. A8 ¶ 19-A11 ¶ 22. The People appeal that judgment. No question is raised on the charging instrument.

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[1] Public Act 101-652 is commonly referred to as the Safety, Accountability, Fairness and Equity-Today (SAFE-T) Act or the Pretrial Fairness Act. "Neither name is official, as neither appears in the Illinois Compiled Statutes or public act." *See Rowe v. Raoul*, 2023 IL 129248, ¶ 4 n.1.

[2] "C" denotes the common law record; "R" the report of proceedings; and "A" the appendix to this brief.

ISSUES PRESENTED FOR REVIEW

1. Whether the appellate court lacked jurisdiction because an interlocutory order imposing sanctions for violations of pretrial release conditions is not appealable under Supreme Court Rule 604(h)(1).

2. Whether the Good Behavior Act does not apply to reduce jail terms imposed as sanctions for violations of pretrial release conditions.

JURISDICTION

Jurisdiction lies under Supreme Court Rules 315(a) and 604(a). This Court allowed the People's petition for leave to appeal on March 25, 2025.

RULE & STATUTES INVOLVED

Supreme Court Rule 604(h)(1) (eff. Apr. 15, 2024) provides:

> Rule 604(h). Appeals from Orders Imposing Conditions of Pretrial Release, Granting or Denying a Petition to Deny Pretrial Release, or Revoking or Refusing to Revoke Pretrial Release.
>
> (1) *Orders Appealable.* An appeal may be taken to the Appellate Court from an interlocutory order of court entered under sections 110-5, 110-6, and 110-6.1 of the Code of Criminal Procedure of 1963 as follows:
>
> (i) by the State and by the defendant from an order imposing conditions of pretrial release;
> (ii) by the defendant from an order revoking pretrial release or by the State from an order denying a petition to revoke pretrial release;
> (iii) by the defendant from an order denying pretrial release; or
> (iv) by the State from an order denying a petition to deny pretrial release.

Ill. S. Ct. R. 604(h)(1).

Section 110-6 of the Code of Criminal Procedure of 1963 provides in relevant part:

> § 110-6. Revocation of pretrial release, modification of conditions of pretrial release, and sanctions for violations of conditions of pretrial release.
>
> * * *
>
> (f) Sanctions for violations of pretrial release may include:
> (1) a verbal or written admonishment from the court;
> (2) imprisonment in the county jail for a period not exceeding 30 days;
> (3) (Blank); or
> (4) a modification of the defendant's pretrial conditions.

725 ILCS 5/110-6.

The County Jail Good Behavior Allowance Act provides in relevant part:

> The good behavior of any person who commences a sentence of confinement in a county jail for a fixed term of imprisonment after January 1, 1987 shall entitle such person to a good behavior allowance, except that: (1) a person who inflicted physical harm upon another person in committing the offense for which he is confined shall receive no good behavior allowance; and (2) a person sentenced for an offense for which the law provides a mandatory minimum sentence shall not receive any portion of a good behavior allowance that would reduce the sentence below the mandatory minimum; and (3) a person sentenced to a county impact incarceration program; and (4) a person who is convicted of criminal sexual assault under subdivision (a)(3) of Section 11-1.20 or paragraph (a)(3) of Section 12-13 of the Criminal Code of 1961 or the Criminal Code of 2012, criminal sexual abuse, or aggravated criminal sexual abuse shall receive no good behavior allowance. The good behavior allowance provided for in this Section shall not apply to individuals sentenced for a felony to probation or conditional discharge where a condition of such probation or conditional discharge is that the individual serve a sentence of periodic

> imprisonment or to individuals sentenced under an order of court for civil contempt.
>
> Such good behavior allowance shall be cumulative and awarded as provided in this Section.
>
> The good behavior allowance rate shall be cumulative and awarded on the following basis:
>
> The prisoner shall receive one day of good behavior allowance for each day of service of sentence in the county jail, and one day of good behavior allowance for each day of incarceration in the county jail before sentencing for the offense that he or she is currently serving sentence but was unable to comply with the conditions of pretrial release before sentencing, except that a prisoner serving a sentence of periodic imprisonment under Section 5-7-1 of the Unified Code of Corrections shall only be eligible to receive good behavior allowance if authorized by the sentencing judge. Each day of good behavior allowance shall reduce by one day the prisoner's period of incarceration set by the court. . . .

730 ILCS 130/3.

STATEMENT OF FACTS

Defendant is charged with aggravated participation in manufacturing methamphetamine, unlawful possession of methamphetamine, and unlawful possession with intent to deliver methamphetamine. C5-7, 53-55. At defendant's first court appearance, the circuit court denied the People's petition to deny pretrial release, R47, and ordered defendant released subject to conditions, including electronic home monitoring, R51-53; C15. Defendant violated this term the very next day by leaving his residence and traveling to three unauthorized locations. C23-24. The People then petitioned for sanctions. C25-26.

At the sanctions hearing, the circuit court found defendant had knowingly violated a term of his pretrial release and imposed a 30-day jail sanction under 725 ILCS 5/110-6(f)(2). R14-15; C28; A13. The court also determined that "[g]ood time does not apply to a sanction, so he'll have to serve the entire 30 days with credit for however many days he's served already." R16; *see also* A13 ("No good time to apply"). Defendant did not object but later moved under Rule 604(h)(2) for relief from the portion of the order specifying that good-conduct credit could not reduce his sanction. A14-15. The circuit court denied the motion on September 26, 2024. C40; R61-63.

On October 15, 2024, defendant appealed under Rule 604(h) using the form notice promulgated under Supreme Court Rule 606(d) (eff. Apr. 15, 2024). A17-19. The template provided three options to identify the "nature of the order appealed" — an order (1) denying pretrial release, (2) revoking pretrial release, or (3) imposing conditions of release — and instructed defendant to check "only one" of them. A18; *see* Ill. S. Ct. R. Art. VI Forms App'x R. 606(d); *see also* Ill. S. Ct. R. 604(h)(1)(i)-(iii) (identifying three pretrial orders appealable by a defendant: orders "denying pretrial release," "revoking pretrial release," and "imposing conditions of pretrial release"). Defendant checked none of those boxes. A18. Instead, he drew a fourth box, labeled it "Sanctions," and checked that box. *Id.*

On appeal, the appellate court concluded it had jurisdiction because "the sanctions order requiring defendant to serve 30 days in the county jail

falls within Rule 604(h)'s enumerated bases for interlocutory appeal." A5 ¶ 12. First, the court held that the order was "at a minimum, an order revoking pretrial release, albeit temporarily, under Rule 604(h)(1)(ii)." *Id.* Second, the court held that the order "impos[ed] conditions of release under Rule 604(h)(1)(i)" because "serving the sanction became a condition of continued release." *Id.* Finally, the court held that the order "also arguably . . . den[ied] pretrial release under . . . Rule 604(h)(1)(iii) . . . , again, albeit, temporarily." *Id.* The court reasoned that defendant *had* to add a fourth box to the form because the sanctions order satisfied all three of the form's pre-printed boxes, but the instructions required that he check only one. A7 ¶ 15.

Next, the appellate court determined that although defendant's appeal was moot because he had already served the 30 days in jail, the public-interest exception to mootness applied. A7-8 ¶¶ 16-18. The court then held that the circuit court had erred in ordering that defendant's sanction of 30 days in jail could not be reduced by applying good-conduct credit. A11 ¶ 22. The appellate court reasoned that the Good Behavior Act presumptively applies to all persons serving sentences of imprisonment in a county jail unless an express exception applies. A8-9 ¶ 8. Because none of the Act's exceptions apply to pretrial jail sanctions — which the court declared equivalent to "'sentences' of imprisonment," A11 ¶ 21 — defendant was entitled to good-conduct credit against his 30-day sanction, *id.* ¶ 22.

STANDARDS OF REVIEW

This Court reviews de novo both "whether the appellate court had jurisdiction to consider an appeal," which turns on interpretation of the Court's rules, *People v. English*, 2023 IL 128077, ¶ 13, and whether the Good Behavior Act applies to jail terms imposed as sanctions for violations of pretrial release conditions, which turns on interpretation of that statute, *In re B.L.S.*, 202 Ill. 2d 510, 514 (2002).

ARGUMENT

I. The Appellate Court Lacked Jurisdiction Over Defendant's Appeal.

The appellate court lacked jurisdiction over defendant's interlocutory appeal of the circuit court's order imposing jail time as a sanction for violating his pretrial release conditions. Contrary to the appellate court's holding, *see* A5 ¶ 12, Rule 604(h)(1) does not authorize interlocutory appeals of orders imposing sanctions under 725 ILCS 5/110-6(f). Rather, Rule 604(h)(1) authorizes appeals by defendants of only three kinds of interlocutory pretrial orders — none of which include orders imposing sanctions for violating pretrial release conditions.

When interpreting statutes, the Court gives effect to the legislature's intent by according clear statutory language its plain and ordinary meaning. *People v. Watkins-Romaine*, 2025 IL 130618, ¶ 25. This Court interprets its rules "in the same manner as statutes" by giving effect to the Court's intent by honoring the plain and ordinary meaning of the rules' language. *English*,

2023 IL 128077, ¶ 13. As with statutes, when a rule's language is plain and unambiguous, the Court may not alter its terms by reading into it unexpressed exceptions, limitations, or conditions, nor by adding other provisions. *Id.*

A. Rule 604(h)(1) authorizes interlocutory appeals by defendants from three kinds of pretrial orders, none of which are orders imposing sanctions for violations of pretrial release conditions.

By its plain language, Rule 604(h)(1) authorizes appeals from four kinds of interlocutory pretrial orders, only three of which are appealable by a defendant and none of which are orders imposing sanctions for violating pretrial release conditions. The three kinds of interlocutory orders appealable by a defendant under Rule 604(h)(1) are: (i) "an order imposing conditions of pretrial release," (ii) "an order revoking pretrial release," and (iii) "an order denying pretrial release." Ill. S. Ct. R. 604(h)(1)(i)-(iii).

As Rule 604(h)(1) recognizes, these are the appealable interlocutory orders "entered under sections 110-5, 110-6, and 110-6.1 of the Code of Criminal Procedure," respectively. *Id.* Section 110-5 authorizes the circuit court to impose conditions of pretrial release, 725 ILCS 5/110-5(c), and provides, like Rule 604(h)(1)(i), that defendants "may appeal court orders imposing conditions of pretrial release," 725 ILCS 5/110-5(k); *see* Ill. S. Ct. R. 604(h)(1)(i) (authorizing appeals from "an order imposing conditions of pretrial release"). Section 110-6, which governs "[r]evocation of pretrial release, modification of conditions of pretrial release, and sanctions for

violations of conditions of pretrial release," provides that defendants "may appeal an order revoking pretrial release," 725 ILCS 5/110-6(a) — the same order appealable under Rule 604(h)(1)(ii), *see* Ill. S. Ct. R. 604(h)(1)(ii) (authorizing appeals from "an order revoking pretrial release"). And section 110-6.1 concerns the denial of pretrial release and stipulates that a defendant "shall be entitled to appeal any order entered under this Section denying his or her pretrial release," 725 ILCS 5/110-6.1(j), just like Rule 604(h)(1)(iii), *see* Ill. S. Ct. R. 604(h)(1)(iii) (authorizing defendants to appeal "an order denying pretrial release").

None of the three interlocutory orders appealable by defendants under Rule 604(h)(1) and subsections 110-5(k), 110-6(a), and 110-6.1(j) are orders imposing jail time as a sanction for violating pretrial release conditions. Such an order does not "impos[e] conditions of pretrial release," Ill. S. Ct. R. 604(h)(1)(i); *see* 725 ILCS 5/110-5(k), "revok[e] pretrial release," Ill. S. Ct. R. 604(h)(1)(ii); *see* 725 ILCS 5/110-6(a), or "deny[] pretrial release," Ill. S. Ct. R. 604(h)(1)(iii); *see* 725 ILCS 5/110-6.1(j).

Indeed, neither Rule 604(h)(1) nor sections 110-5, 110-6, and 110-6.1 of the Code even mention sanctions when defining the pretrial orders appealable by defendants. *See* Ill. S. Ct. R. 604(h)(1); 725 ILCS 5/110-5; *id.* § 110-6; *id.* § 110-6.1. To the contrary, section 110-6, which governs both revocation of pretrial release and sanctions for violating pretrial release conditions, *distinguishes* between orders revoking pretrial release and orders

imposing sanctions for violations of pretrial release conditions. Subsection 110-6(a), which governs revocation of pretrial release, provides that defendants "may appeal an order revoking pretrial release." 725 ILCS 5/110-6(a). But none of the subsequent subsections governing the imposition of sanctions provide a similar right of appeal for orders imposing sanctions. *See id.* § 110-6(c) (procedures when violations of pretrial release conditions are alleged); *id.* § 110-6(d) (allowing State to petition for sanctions); *id.* § 110-6(e) (setting forth defendant's rights at sanctions hearing and State's burden of proof on four elements); *id.* § 110-6(f) (listing available sanctions). Therefore, such orders are not appealable under Rule 604(h)(1) or sections 110-5, 110-6, and 110-6.1. *See People v. Clark*, 2019 IL 122891, ¶ 23 ("When the legislature includes particular language in one section of a statute but omits it in another section of the same statute, courts presume that the legislature acted intentionally and purposely in the inclusion or exclusion, and that the legislature intended different meanings and results.") (internal citations and quotations omitted); *see also Bridgestone/Firestone, Inc. v. Aldridge*, 179 Ill. 2d 141, 151-52 (1997) (rules of statutory construction recognize that "when people say one thing, they do not mean something else," so a statute's express inclusions imply that any omissions should be understood as having been deliberately excluded).

Although there is no need to resort to other aids of statutory construction where, as here, the Code's language is clear, *see Clark*, 2019 IL

122891, ¶ 43, sound policy reasons support the decision to exclude sanctions orders from the list of appealable interlocutory orders. After all, "allowing defendants to appeal from sanction orders could lead to an overwhelming number of appeals that neither the legislature nor the Illinois Supreme Court intended to have placed before the appellate court." *People v. Luebke*, 2025 IL App (5th) 241208-U, ¶ 17.[3] And allowing defendants to appeal orders imposing sanctions (which, by statute, cannot exceed 30 days in jail) would burden the appellate court without any benefit to defendants, given that virtually every appeal would become moot before it could be resolved. So, interpreting Rule 604(h)(1) to preclude interlocutory appeals from sanctions orders not only honors the clear and unambiguous language of the Rule and the statutory provisions it gives effect to, but such an interpretation also reflects the legislature's sound policy judgment that such appeals would burden the judicial system without providing any corresponding benefits.

B. The appellate court erred by construing each of the three kinds of appealable interlocutory orders to include sanctions orders.

The appellate court thus erred when it held that each of Rule 604(h)(1)'s enumerated bases for appeal by defendants encompassed the circuit court's 30-day sanction order. The appellate court reasoned that the sanction order simultaneously "revoked pretrial release, modified the

[3] Copies of all nonprecedential orders cited in this brief are available at http://illinoiscourts.gov/top-level-opinions. *See* Ill. S. Ct. R. 23(e)(1).

conditions of release, and denied pretrial release, albeit temporarily." A7 ¶ 15. But this awkward reading of Rule 604(h)(1) is internally contradictory — an order that revokes pretrial release cannot also allow that pretrial release to continue under new conditions while also retroactively denying the initial grant of release. It is also contrary to the plain and ordinary meaning of the Rule's language describing the categories of appealable interlocutory orders. A jail sanction simply does not fit into any of these categories, much less all of them.

1. An order imposing jail time as a sanction is not an order revoking pretrial release.

The appellate court determined that an order imposing jail time as a sanction for violating pretrial release conditions was, "at a minimum, an order revoking pretrial release, albeit temporarily." A5 ¶ 12. Not so. The Code makes clear that revocation of pretrial release is distinct from a sanction of jail time for violating pretrial release conditions.

First, the Code permits revocation of pretrial release only when a defendant charged with the most serious misconduct commits the most serious misconduct while on pretrial release. Thus, the Code provides that a court may revoke a felony or Class A misdemeanor defendant's pretrial release "only if the defendant is charged with a felony or Class A misdemeanor that is alleged to have occurred during the defendant's pretrial release." 725 ILCS 5/110-6(a). A court cannot revoke pretrial release for any lesser offense. *See id.* § 110-6(b). In contrast, a court is free to impose

sanctions — including sanctions of jail time — for any willful violation of a court-ordered condition of pretrial release. *See id.* §§ 110-6(c), (e), (f).

Second, revocation is not inherently temporary like a sanction of jail time. Once a court revokes pretrial release, the defendant's pretrial detention extends indefinitely until "the case that caused the revocation is dismissed, the defendant is found not guilty in the case causing the revocation, or the defendant completes the lawfully imposed sentence on the case causing the revocation," *id.* § 110-6(a), so long as the court finds detention necessary to ensure the defendant's future appearance or to prevent his future serious misconduct, *id.* § 110-6(j). In contrast, a sanction of jail time for violating pretrial release lasts no more than 30 days and ends with the defendant's continued pretrial release. *See id.* § 110-6(f)(4).

The Code thus does not contemplate "temporary" revocation of pretrial release, much less revocation for minor infractions. Consequently, an order imposing a maximum 30-day jail sanction for violating a pretrial release condition, regardless of the gravity of the violation, is not an order revoking pretrial release.

2. An order imposing jail time as a sanction is not an order imposing conditions of release.

Nor, as the appellate court held, is an order imposing a jail sanction "an order imposing conditions of release" because "serving the sanction bec[o]me[s] a condition of continued release." A5 ¶ 12. The Code sets forth the mandatory and discretionary "[c]onditions of pretrial release," *see* 725

ILCS 5/110-10(a), (b), none of which permits present confinement in jail as a condition for future pretrial release.

Moreover, the term "condition," given its plain and ordinary meaning, refers to an ongoing behavioral requirement that a defendant agrees to follow while on pretrial release. *See, e.g.*, Condition, Merriam-Webster Dictionary, https://www.merriam-webster.com/dictionary/condition (last visited May 7, 2025) (defining "condition" as (1) "a premise upon which the fulfillment of an agreement depends," (2) "something essential to the appearance or occurrence of something else," and (3) "a restricting or modifying factor"). A condition of pretrial release thus is forward-looking and presumes the defendant's ongoing obligation to follow the court-imposed requirements. And, the Code clearly states, a condition of release may not be punitive. *See* 725 ILCS 5/110-10(b) (conditions of release "shall not include punitive measures"). In contrast, a sanction is punitive by definition, for it is "a penalty or coercive measure that results from failure to comply with a law, rule, or order." *Sanction*, *Black's Law Dictionary* (12th ed. 2024). A sanction thus is backward-looking and punishes a defendant's past failure to comply with previously agreed terms in order to compel future compliance. So, an order imposing a sanction is not equivalent to an order imposing a condition of release because they serve different purposes.

To be sure, a court may modify a defendant's conditions of release as a sanction for violating previously imposed conditions. *See* 725 ILCS

5/110-6(f)(4). In such a case, the court may impose a more onerous and restrictive condition. That condition is both a sanction and a condition because it serves the purposes of both: to punish a defendant for past noncompliance, thus encouraging future compliance, and to establish new, ongoing rules that the defendant must follow while on pretrial release. Modification of conditions of release as a sanction, then, returns the defendant to a position like the one he was in when the court first imposed pretrial release conditions, *see id.* § 110-5, and allows the court to impose new conditions, which are appealable, *see id.* § 110-5(k); Ill. S. Ct. R. 604(h)(1)(i); *see also* A5 ¶ 12 (appellate court noting modification of pretrial release conditions as an alternative sanction and "raising the question of why an interlocutory appeal of that sanction is likely permissible, but not the sanction of imprisonment").

3. An order imposing jail time as a sanction is not an order denying pretrial release.

Finally, the appellate court was incorrect that the sanction was "arguably" also "an order denying pretrial release . . . albeit, temporarily." A5 ¶ 12. Orders denying pretrial release and orders imposing sanctions are entered after different proceedings based on different showings and for different purposes.

Under the Code, "denial of pretrial release" refers to the circuit court's resolution of a petition for pretrial detention filed at the beginning of a case, shortly after a defendant is charged. *See* 725 ILCS 5/110-6.1(c). For the

court to deny a defendant pretrial release, the State first must petition for the defendant's pretrial detention within 21 days of the defendant's arrest. *Id.* The State then must prove by clear and convincing evidence that "(1) the proof is evident or the presumption great that defendant committed a detainable offense; (2) defendant poses a real and present threat to any person, persons, or the community or is a flight risk; and (3) no conditions could mitigate this threat or risk of flight." *People v. Clark*, 2024 IL 130364, ¶ 20 (citing 725 ILCS 5/110-6.1(a), (e)). This standard sets a high bar to deny pretrial release, as "[a]ll defendants [are] presumed eligible for pretrial release" unless the State meets its burden to show the risks of danger or flight are so high as to outweigh that presumption. 725 ILCS 5/110-6.1(e). Thus, the denial of pretrial release serves the same function as revocation of pretrial release: to retain custody of defendants who are charged with certain serious offenses and who pose a clear threat of danger or flight that cannot be mitigated.

By contrast, a court may begin sanctions proceedings *sua sponte* (at least in some circumstances), *see id.* §§ 110-3(a), 110-6(c), and may impose sanctions if the State proves by clear and convincing evidence that the defendant willfully violated a term of pretrial release, regardless of whether the violation suggested that the defendant is dangerous or a flight risk, *id.* § 110-6(e). For example, a court may sanction a defendant for being charged with a new offense, even if the offense is minor and nonviolent. This is

because, as explained, *see* Section I.B.2 *supra*, sanctions are punitive (though imposed in hope of encouraging compliance with conditions that protect the public and prevent flight) rather than merely preventative. Thus, an order imposing a sanction of jail time for willfully violating a pretrial release condition, *id.* § 110-6(f)(2), is not equivalent to an order denying pretrial release because the sanction does not require a showing that the defendant presents a risk of danger or flight that cannot be mitigated.

* * *

In sum, Rule 604(h)(1) does not authorize appeals of sanction orders. Such orders do not fit within the plain and ordinary meaning of any of the three categories of interlocutory orders appealable by defendants that are identified in either the Rule or the statute that it gives effect to. Therefore, the appellate court lacked jurisdiction to review defendant's appeal of his sanction.

II. The Good Behavior Act Does Not Apply to Jail Sanctions Imposed for Violating Conditions of Pretrial Release.

The usual remedy when the appellate court has addressed the merits of a case over which it had no jurisdiction is to vacate the court's judgment and dismiss the appeal. *See People v. Vara*, 2018 IL 121823, ¶ 31. Here, given the importance of the issue, this Court should go further and exercise its supervisory authority to reach the merits and hold that the Good Behavior Act does not apply to jail sanctions imposed for violating pretrial release conditions. *See People v. Ratliff*, 2024 IL 129356, ¶¶ 18-19 (exercising

supervisory authority to address merits of appeal "to provide guidance to the bench and bar on future cases," although appellate court lacked jurisdiction) (citing Ill. Const. 1970, art. VI, § 16; *McDunn v. Williams*, 156 Ill. 2d 288, 301-02 (1993)).

A. The Public-Interest Exception to the Mootness Doctrine Applies.

As the appellate court correctly recognized, defendant's appeal became moot after he served his 30-day sanction. *See* A7-8 ¶¶ 16-18; *People v. Morgan*, 2025 IL 130626, ¶ 16 (appeal of denial of pretrial release rendered moot when defendant pleaded guilty). Here, defendant had already served his sanction before the appeal below had even started, much less concluded. See C27, 36-37, 60-61. And, like the appellate court below, this Court can no longer grant defendant the relief he seeks — the opportunity to reduce his 30 days in jail through good-conduct credit — so his appeal is moot. *See In re V.S.*, 2025 IL 129755, ¶ 55.

But the public-interest exception to the mootness doctrine applied below, *see* A7-8 ¶¶ 16-18, and continues to apply here. Normally, this Court does not decide appeals that are moot, *e.g.*, "when there is no actual controversy and a reviewing court's decision could have no practical effect on the parties, rendering it 'impossible for the reviewing court to grant effectual relief.'" *In re V.S.*, 2025 IL 129755, ¶ 55 (internal citation omitted). But "'[t]he public interest exception to the mootness doctrine permits review of an otherwise moot question when the magnitude or immediacy of the interests

involved warrants action by the court.'" *Morgan*, 2025 IL 130626, ¶ 16 (quoting *Commonwealth Edison Co. v. Illinois Com. Comm'n*, 2016 IL 118129, ¶ 12)). The exception applies when "'(1) the question presented is of a public nature; (2) an authoritative determination of the question is desirable for the future guidance of public officers; and (3) the question is likely to recur.'" *Id.* (quoting *Commonwealth Edison Co.*, 2016 IL 118129, ¶ 12).

The question raised here — whether good-conduct credit applies to reduce jail sanctions imposed for a violation of pretrial release — is of a public nature, rather than specific to any defendant. Resolving the issue "will provide consensus throughout the Illinois judiciary." *Morgan*, 2025 IL 130626, ¶ 17. And the issue is likely to recur, *see id.*, as the Code grants circuit courts the discretion to impose sanctions of up to 30 days in jail whenever the court finds a defendant has violated pretrial release conditions, *see* 725 ILCS 5/110-6(f)(2). Accordingly, this Court should find that the public-interest exception to the mootness doctrine applies here.

B. The Good Behavior Act applies to reduce sentences of conviction, not jail terms imposed as sanctions for violating conditions of pretrial release.

Contrary to the appellate court's holding, *see* A11 ¶ 12, the Good Behavior Act, 730 ILCS 130/3, does not apply to reduce jail terms imposed as sanctions for violations of pretrial release conditions under 725 ILCS 5/110-6(f)(2).

In construing statutes to give effect to the legislature's intent, the Court accords the statute's language its plain and ordinary meaning, *Watkins-Romaine*, 2025 IL 130618, ¶ 25, and reads statutes as a whole, considering all relevant parts, *People v. Ramirez*, 2023 IL 128123, ¶ 13. The Court construes words and phrases "in light of other relevant statutory provisions and not in isolation." *People v. Kastman*, 2022 IL 127681, ¶ 30.

This Court's analysis thus begins with the plain language of the Act, which provides that "[t]he good behavior of any person who commences a sentence of confinement in a county jail for a fixed term of imprisonment . . . shall entitle such person to a good behavior allowance." 730 ILCS 130/3. The Act defines "good behavior allowance" as "the number of days awarded in diminution of sentence as a reward for good behavior." *Id.* § 2. Thus, a person who "commences a sentence," *id.* § 3, can reduce that "sentence," *id.* § 2, with days awarded for good behavior while in jail.

Although the Act does not define "sentence," *see* 730 ILCS 130/2 (definitions), the term has a well-settled common meaning: "The judgment that a court formally pronounces after finding a criminal defendant guilty." *Sentence*, *Black's Law Dictionary* (12th ed. 2024). The term also carries the same meaning — the final judgment in a criminal case after a defendant is convicted — elsewhere in chapter 730 of the Illinois Compiled Statutes and under common law. *See* 730 ILCS 5/5-1-19 ("'Sentence' is the disposition imposed by the court on a convicted defendant."); *see also People ex rel.*

Barrett v. Bardens, 394 Ill. 511, 516 (1946) ("Sentence denotes the action of a court of criminal jurisdiction, declaring the consequences to a convict of the fact of guilt confessed or ascertained by a verdict." (internal quotation marks omitted)); *accord People v. Caballero*, 102 Ill. 2d 23, 51 (1984) ("The final judgment in a criminal cases is the sentence[.]").

The Act uses "sentence" in that same familiar sense, so that "days awarded in diminution of [a prisoner's] sentence as a reward for good behavior," 730 ILCS 130/2, by a prisoner who has "commence[d] a sentence," *id.* § 3, are days that reduce the length of the sentence the prisoner receives for an offense, not the length of time spent in jail before trial. This is clear from the ways that the Act uses the term "sentence." For starters, the Act provides that prisoners receive one day of good behavior allowance "for each day of *service of sentence* in the county jail" and "one day of good behavior allowance for each day of incarceration in the county jail *before sentencing for the offense that he or she is currently serving sentence but was unable to comply with the conditions of pretrial release before sentencing*." *Id.* (emphasis added). So, the Act provides that a prisoner who is "currently serving" a "sentenc[e] for an offense," *id.*, is entitled to credits against that "sentence," *id.* § 2, for (1) days spent in jail while serving the sentence and (2) days previously spent in jail before the prisoner was sentenced.

In other words, a prisoner who serves a jail sanction "before sentencing" because he was "unable to comply with the conditions of pretrial

release before sentencing," *id.* § 3, will be entitled — upon conviction and sentencing — to apply any good-conduct credit accrued pretrial toward the later-imposed sentence. Unless and until a defendant who serves a pretrial jail sanction is sentenced to imprisonment following conviction, however, there is no sentence to which good-conduct credit can be applied. On the contrary, a sanction for violating pretrial release conditions is substantively distinct from a sentence because it is not a final judgment in a criminal case. And it is also procedurally distinct from a sentence. The process by which a court may impose sanctions has fewer protections and a lower burden of proof than what is required for a criminal conviction and sentence. *See* 725 ILCS 5/110-6(e) (defendant's only rights at hearing include rights to counsel and to present evidence in mitigation, and clear-and-convincing-evidence standard applies). Because sanctions for violating pretrial release conditions share none of the defining characteristics of a sentence, there is no reason to believe that when the General Assembly used the term "sentence" in the Act, the legislature intended to include sanctions.

The General Assembly's intent that good-conduct credit apply to reduce time served on sentences for convictions, not jail sanctions for violations of pretrial release conditions, is further apparent from the Act's enumerated exceptions to the general entitlement to good behavior allowance. In explaining when one "who commences a sentence" is not entitled to good-conduct credit, the Act refers to situations that arise only

following a criminal conviction. For example, the Act prohibits a person from earning good-conduct credit if that person "inflicted physical harm upon another person in committing the offense for which he is confined," 730 ILCS 130/3(1) — a factual finding only made upon conviction. The Act also excludes from earning credit individuals who are: "sentenced for an offense" where credit would "reduce the sentence below the mandatory minimum," *id.* § 3(2) (emphasis added); "sentenced to a county impact incarceration program," *id.* § 3(3) (emphasis added); or "sentenced for a felony to probation or conditional discharge [with certain conditions]," *id.* § 3(4) (emphasis added). In other words, the Act's exceptions are triggered only by the imposition of a sentence, which can only occur after conviction. Because the Act's exceptions do not apply before conviction, "sentence" in the Act necessarily means the sentence imposed following criminal conviction.

In sum, because a "sanction" is not a "sentence" within the Act's plain language, the Good Behavior Act does not entitle a defendant serving a pretrial jail sanction to apply good-conduct credit against that sanction's term.

C. A jail term imposed as a sanction for violating pretrial release conditions is not analogous to a sentence imposed for criminal contempt.

The appellate court also erred when it determined — without analysis or citation to authority — that "the nature of the sanction is similar to criminal contempt, for which good-conduct credit has been held to apply." A9-10 ¶ 20. First, it does not suffice that a pretrial jail sanction is "similar"

to a sentence for contempt; because a sanction is not a sentence, it is not reducible through the application of good-conduct credit under the Act's plain language. *See* Section II.B *supra*. Moreover, jail sanctions imposed for violating pretrial release conditions are *not* analogous to sentences imposed following criminal contempt proceedings.

To be sure, on the surface, pretrial jail sanctions and criminal contempt sentences may seem similar. For instance, the *reasons* that a person might be incarcerated for criminal contempt and for violating pretrial release conditions may be similar. "Criminal contempt of court has been generally defined as conduct which is calculated to embarrass, hinder or obstruct a court in its administration of justice or derogate from its authority or dignity, thereby bringing the administration of law into disrepute." *People v. Javaras*, 51 Ill. 2d 296, 299 (1972). Similarly, conduct that violates a condition of pretrial release inherently violates the court's order imposing such conditions, *see* 725 ILCS 5/110-5(c); *id.* § 110-6(c)(1), (4), and thereby hinders the court's administration of justice and derogates from its authority. *Compare People ex rel. City of Chicago v. Le Mirage, Inc.*, 2013 IL 113482, ¶ 65 (elements of criminal contempt are "(1) the existence of a court order; and (2) a willful violation of that order") *with* 725 ILCS 5/110-6(e)(1)-(4) (elements of violation of pretrial release condition include knowing and willful violation of term of pretrial release that was not caused by lack of access to financial resources). And a guilty finding in either circumstance

could result in imprisonment. *See Le Mirage, Inc.*, 2013 IL 113482, ¶ 57 (contemnors sentenced to two years in prison); 725 ILCS 5/110-6(f)(2) (maximum 30-day jail term may be imposed as sanction for violating pretrial release condition).

But a sentence for criminal contempt and a sanction of jail time for violating a condition of pretrial release are as procedurally dissimilar as any other sentence for a criminal offense and a sanction. Unlike a jail sanction for violating a condition of pretrial release, a sentence for criminal contempt is a final judgment in a criminal proceeding. Courts may only impose a sentence of imprisonment for criminal contempt after affording the contemnor the same "constitutional protections that are afforded to any other criminal defendant," including, among others, "the State's burden to prove the charge beyond a reasonable doubt, the right to counsel, the right to a public trial, the right to confront witnesses and to compel testimony, the right to be present at trial, and the right to testify or to remain silent." *People v. Lindsey*, 199 Ill. 2d 460, 471 (2002). Due process in criminal contempt proceedings also includes the right to a jury trial "in serious cases." *Id.*[4] A

[4] These procedural protections attach to criminal contempt proceedings because of the court's considerable discretion to punish contemnors for violating its orders. *See Bloom v. Illinois*, 391 U.S. 194, 207-08 (1968) (explaining need for constitutional safeguards in proceedings against alleged contemnors given vast judicial authority to punish contempt). Indeed, in Illinois, there is no maximum punishment prescribed for criminal contempt convictions. *McLean County v. Kickapoo Creek, Inc.*, 51 Ill. 2d 535, 355 (1972; *see also People v. Stollar*, 31 Ill. 2d 154, 159 (1964). Nor may the legislature restrict the court's inherent authority to enforce its orders through contempt

sentence imposed following criminal contempt proceedings — at which the contemnor enjoyed all due-process protections owed in commensurate criminal proceedings, *see id.* — is therefore akin to a sentence of conviction, to which the Act's entitlement of good-conduct credit applies, *see Kaeding*, 281 Ill. App. 3d at 928; *see also People v. Russell*, 237 Ill. App. 3d 310, 314 (4th Dist. 1992).

But as discussed, *see* Section II.B *supra*, a jail sanction imposed for violating a pretrial release condition is not equivalent to a sentence of conviction. The Code does not provide a defendant facing sanctions all due-process protections owed in criminal (or criminal contempt) proceedings. *See* 725 ILCS 110-6(e). And the limited nature of the sanctions authorized for violating pretrial release conditions — ranging from an admonishment to a maximum 30-day jail term, 725 ILCS 5/110-6(f), intended to compel future compliance with pretrial release conditions — further distinguishes such sanctions from criminal contempt, which has no maximum sentence, *see McLean County*, 51 Ill. 2d at 355.

The appellate court therefore erred when it held that the Act requires that jail sanctions be reduced through the application of good-conduct credit

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proceedings. *In re G.B.*, 88 Ill. 2d 36, 41 (1981). Accordingly, criminal contempt proceedings expose an alleged contemnor to the court's near-unlimited discretion to punish noncompliance. *See Kaeding v. Collins*, 281 Ill. App. 3d 919, 927 (2d Dist. 1996) (sentence for criminal contempt reviewed for abuse of discretion and will not be disturbed unless "manifestly disproportionate to the nature of the case").

because the limited 30-day jail sanction imposed for violating a pretrial release condition was analogous to a sentence imposed for criminal contempt. *See* A9-10 ¶ 20. A sanction is not a sentence, so by its plain text, the Good Behavior Act does not apply to individuals serving a jail sanction under subsection 110-6(f)(2) of the Code. Accordingly, the Court affirm the judgment of the circuit court denying to apply good-conduct credit to defendant's sanction.

CONCLUSION

For these reasons, this Court vacate the appellate court's judgment and affirm the judgment of the circuit court.

May 12, 2025

Respectfully submitted,

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RULE 341(c) 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 containing 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(a), is 27 pages.

/s/ Lauren E. Schneider
LAUREN E. SCHNEIDER
Assistant Attorney General

APPENDIX

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2025 IL App (2d) 240616
No. 2-24-0616
Opinion filed January 23, 2025

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. GEOFFREY P. SEYMORE, Defendant-Appellant.	))))))))))	Appeal from the Circuit Court of De Kalb County. No. 24-CF-499 Honorable Joseph C. Pederson, Judge, Presiding.

JUSTICE JORGENSEN delivered the judgment of the court, with opinion.
Justices Hutchinson and Schostok concurred in the judgment and opinion.

OPINION

¶ 1 Defendant, Geoffrey P. Seymore, violated the terms of his pretrial release. The court granted the State's motion to sanction defendant to 30 days' imprisonment in the county jail without good-time credit, and it subsequently denied defendant's Illinois Supreme Court Rule 604(h)(2) (eff. Apr. 15, 2024) motion for relief. Defendant appeals under Rule 604(h), arguing that he was entitled to 15 days of credit pursuant to section 3 of the County Jail Good Behavior Allowance Act (Behavior Allowance Act) (730 ILCS 130/3 (West 2022)). For the following reasons, we reverse and vacate the court's sanction order in part, to the extent that it ordered defendant imprisoned without good-time credit.

¶ 2 I. BACKGROUND

¶ 3 On September 9, 2024, after defendant was charged with various drug-related crimes, the court denied the State's petition to detain pursuant to Public Act 101-652, § 10-255 (eff. Jan. 1, 2023), commonly known as the Pretrial Fairness Act (Act).[1] See Pub. Act 102-1104, § 70 (eff. Jan. 1, 2023) (amending various provisions of the Act); *Rowe v. Raoul*, 2023 IL 129248, ¶ 52 (lifting stay and setting effective date as September 18, 2023). However, as one of the conditions of pretrial release, defendant was placed on electronic home monitoring, the terms of which he violated the next day.

¶ 4 The State petitioned for sanctions pursuant to section 110-6(f) of the Code of Criminal Procedure of 1963 (Code), as amended (725 ILCS 5/110-6(f) (West 2022)). Specifically, when a defendant violates conditions of pretrial release, section 110-6(f) allows the court to sanction the defendant with a verbal or written admonishment, up to 30 days' imprisonment in the county jail, or the modification of pretrial release conditions. *Id.* Here, the State requested that the court impose upon defendant a sanction of 30 days' imprisonment in the county jail. On September 13, 2024, the court granted the motion, imposing a sanction of 30 days' imprisonment and noting that good-conduct credit did not apply to the sanction. Further, in the written order, the court specified, "no good time to apply."

¶ 5 On September 19, 2024, defendant filed a Rule 604(h)(2) motion for relief, in which he argued that, according to section 3 of the Behavior Allowance Act (730 ILCS 130/3 (West 2022)),

[1]Public Act 101-652 (eff. Jan. 1, 2023), which amended article 110 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/art. 110 (West 2022)), has been referred to as the "Pretrial Fairness Act" and the "Safety, Accountability, Fairness and Equity-Today (SAFE-T) Act"; however, neither title is official. *Rowe v. Raoul*, 2023 IL 129248, ¶ 4 & n.1.

he was entitled to day-for-day credit during his 30-day sanction period. Defendant requested that the court enter an order directing the sheriff to grant day-for-day, good-conduct credit for every day that he was in custody.

¶ 6 On September 26, 2024, the court denied defendant's motion for relief, again concluding that he was not entitled to good-conduct credit for his sanction of imprisonment. It noted that the plain language of section 110-6 of the Code, as amended, referenced a "sanction" of imprisonment, not a "sentence" of imprisonment, and "if the legislature had intended that this was a finding of contempt that would also then entitle him to good[-]conduct behavior [credit], they could have included that in the statute."

¶ 7 On October 15, 2024, defendant filed a Rule 604(h) appeal, using the form notice promulgated under Illinois Supreme Court Rule 606(d) (eff. Apr. 15, 2024). The template instructed defendant to check one of the following three options to describe the "nature of order appealed," namely, an order (1) denying pretrial release, (2) revoking pretrial release, or (3) imposing conditions of pretrial release. See Ill. S. Ct. Rs. Art. VI Forms Appendix R. 606(d). Defendant checked none of those boxes. Instead, he manually designed a fourth box, which he checked and named "sanctions." Defendant has since filed a Rule 604(h) memorandum, and the State has responded.

¶ 8 II. ANALYSIS

¶ 9 On appeal, defendant argues that the court erred by ordering him to serve 30 days in the county jail, with "no good time to apply," where the Behavior Allowance Act applies to all sentences of incarceration, with only specific exceptions, none of which apply here. Although he has completed the sanctions term, defendant argues that this issue is not moot because it is an issue of public importance and is capable of repetition, yet evading review.

¶ 10 In addition, defendant contends that our jurisdiction is proper. He argues that, even setting aside Rule 604(h), the sanctions order was a final, appealable order, similar to an order in a criminal contempt proceeding and collateral to the criminal case against him. Moreover, defendant argues that Rule 604(h)(1) encompasses a sanctioning order requiring a jail term because that order: imposes the condition of jail time before continuing pretrial release (Ill. S. Ct. R. 604(h)(1)(i) (eff. Apr. 15, 2024)); temporarily revokes or denies pretrial release (Ill. S. Ct. R. 604(h)(1)(ii) (eff. Apr. 15, 2024)); and, when the court imposed the sanction, it denied defendant's request for release without sanctions and, thus, the order "is the equivalent of" an order denying pretrial release. Further, defendant notes that the Code allows a defendant to appeal any order denying his or her pretrial release (725 ILCS 5/110-6.1(j) (West 2022)), which, he argues, the 30-day jail sanction accomplished. Finally, defendant argues that this case is distinguishable from *People v. Boose*, 2024 IL App (1st) 240031, ¶ 16, which held jurisdiction lacking in similar circumstances, because, unlike the defendant in that case, he is challenging a final sanctioning order and was not petitioning for future sentencing credit.

¶ 11 In its response, the State does not argue that defendant's appeal is moot, nor does it address the merits of defendant's argument that he was entitled to day-for-day credit while serving his sanction. Rather, it argues only that we lack jurisdiction over the appeal. Specifically, the State argues that defendant is not appealing from a pretrial detention or release order. Relying on *Boose*, it argues that jurisdiction turns on the parties' compliance with pertinent statutes and supreme court rules but, where defendant has appealed pursuant to Rule 604(h), there is no basis for an interlocutory appeal where the sanctions order does not impose conditions of release, revoke or refuse to revoke pretrial release, deny pretrial release, or refuse to deny pretrial release. As there

is no basis under Rule 604(h) for an interlocutory appeal of sanctions, the State argues that we lack jurisdiction of the appeal and must dismiss it. We disagree.

¶ 12 We conclude that we properly possess jurisdiction, as we believe that the sanctions order requiring defendant to serve 30 days in the county jail falls within Rule 604(h)'s enumerated bases for interlocutory appeal. As the State notes, defendant is not appealing the initial order that denied the State's petition for pretrial detention and set his pretrial conditions. Nevertheless, the court's order granting the State's petition for sanctions and ordering a term of imprisonment is, at a minimum, an order revoking pretrial release, albeit temporarily, under Rule 604(h)(1)(ii). Further, it is an order imposing conditions of release under Rule 604(h)(1)(i); namely, serving the sanction became a condition of continued release. Additionally, it is also arguably an order denying pretrial release under Illinois Supreme Court Rule 604(h)(1)(iii) (eff. Apr. 15, 2024), again, albeit, temporarily. We note that one of the alternative sanctions available to courts in response to a violation of pretrial release is a "modification of the defendant's pretrial conditions" (725 ILCS 5/110-6(f)(4) (West 2022)), which appears to fall squarely within an enumerated basis for appeal under Rule 604(h)(1)(i) (an order imposing conditions of pretrial release)), thus raising the question of why an interlocutory appeal of that sanction is likely permissible, but not the sanction of imprisonment, which implicates liberty interests.

¶ 13 We do not agree with the State that *Boose* requires a different conclusion. In *Boose*, after the defendant missed multiple court dates, the State petitioned for sanctions under section 110-6(f), and the court sanctioned the defendant to 30 days' imprisonment for her failure to appear. *Boose*, 2024 IL App (1st) 240031, ¶ 5. While serving the sanction, the defendant petitioned for sentencing credit, arguing that her sanction was like a finding of criminal contempt, and therefore should qualify for credit under Behavior Allowance Act, and requesting that the court direct the

sheriff to grant day-for-day credit for every day that she was in custody for the violation. *Id.* ¶ 6. The trial court found the defendant's arguments " 'compelling,' " but denied the petition. *Id.* ¶ 7.

¶ 14 The defendant appealed "the denial of her petition for 30 days' credit against some future sentence of imprisonment if convicted." *Id.* ¶ 3. The appellate court, however, determined that it lacked jurisdiction. *Id.* ¶ 11. It noted that the defendant purportedly pursued her appeal pursuant to section 110-6.6(a) of the Code (725 ILCS 5/110-6.6(a) (West 2022) (providing that appeals of pretrial release decisions shall be governed by supreme court rules)) and Rule 604(h). *Boose*, 2024 IL App (1st) 240031, ¶ 13. However, although the court recognized that Rule 604(h) appeals generally arise under various sections of the Code that include section 110-6, it disagreed with the defendant's identified Rule 604(h) *basis* for her appeal. *Id.* ¶¶ 13-14. Specifically, the court noted that defendant identified her appeal as being one from an order *denying* pretrial release (under Rule 604(h)(iii)), but did not explain how denial of her petition for credit under the Behavior Allowance Act would fit within that category, particularly given that such an assertion lacked a factual basis, because she was never denied pretrial release and was on release when sanctioned for violating a condition thereof. *Id.* ¶ 14. The court further determined that there was no statutory basis for the appeal, as the defendant distinctly brought her petition for credit pursuant to section 3 of the Behavior Allowance Act, but that was not a provision identified by Rule 604(h) as a possible source for an interlocutory appeal. *Id.* ¶ 15. Finally, the court clarified that it was not suggesting that the defendant's contentions were not " 'compelling,' " only that they were not properly raised in an interlocutory fashion and, instead, could be raised again "when the time is right." *Id.* ¶ 16.

¶ 15 It appears that, because the defendant in *Boose* argued only one basis for her Rule 604(h) appeal (denial of pretrial release), which the court found inapplicable to the facts before it, the court did not analyze whether the order satisfied one of the alternative bases for a Rule 604(h)

appeal. Here, in contrast, defendant argues that the order sanctioning him to imprisonment without good-time credit is of a nature that falls within more than one of Rule 604(h)'s enumerated categories. In fact, we presume this is why defendant added his own category—"sanctions"—to the form notice of appeal, because although he contends that the order falls within multiple categories, the form instructed that he could check only one. And, here, we agree that the sanctions order revoked pretrial release, modified the conditions of release, and denied pretrial release, albeit temporarily.

¶ 16 Next, in a related subject, we address mootness. The State does not argue that this appeal is moot, but mootness impacts jurisdiction, as "[t]he existence of an actual controversy is an essential requisite to appellate jurisdiction, and courts of review will generally not decide abstract, hypothetical, or moot questions." *In re Marriage of Nienhouse*, 355 Ill. App. 3d 146, 149 (2004). We review *de novo* whether a case is moot. See *Benz v. Department of Children & Family Services*, 2015 IL App (1st) 130414, ¶ 31.

¶ 17 Here, the case is moot, in the sense that defendant already served the sanction he challenges. See *In re Benny M.*, 2017 IL 120133, ¶ 17 (an appeal is moot when intervening events have made it impossible to grant effectual relief); *People v. Tibbs*, 2025 IL App (4th) 240378, ¶ 15 (where the defendant had served his 90-day sentence, appellate court could not grant effectual relief, and appeal was moot (although an exception applied)). However, defendant contends that exceptions to mootness apply, and we agree.

¶ 18 Specifically, the question presented is whether a defendant who is serving jail time as a section 110-6(f) sanction may have that time reduced by good-conduct credit under section 3 of the Behavior Allowance Act. As such, we believe a clear showing has been made that the issue satisfies the public-interest exception to mootness because it (1) presents a question of public

importance, *i.e.*, identifying section 110-6(f) pretrial incarceration periods that comply with law and, hence, due process; (2) that will likely recur; and (3) our answer will guide public officers in the performance of their duties. See *Tibbs*, 2025 IL App (4th) 240378, ¶¶ 16-18; *In re N.R.*, 172 Ill. App. 3d 14, 15 (1988) ("question of good[-]time [credit] for county jail sentences is likely to recur frequently, and it would assist the administration of the court system if this question is addressed"). Alternatively, a clear showing has been made that the issue is also capable of repetition, yet evading review, due to the short duration of a jail sanction, which, under section 110-6(f) may not exceed 30 days, as well as the fact that defendant may, if he commits another violation of pretrial-release conditions, be subject to future identical sanctions. See *In re Craig H.*, 2022 IL 126256, ¶ 20.

¶ 19 Finally, we address the merits of defendant's argument, namely, that the court erred in finding that defendant's 30 days of imprisonment were to be served without good-conduct credit. We note again that the State did not address this issue in its memorandum, and it has, accordingly, forfeited any argument that defendant was not entitled to credit. Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020). In any event, forfeiture is a limitation on the parties, not the court, and we may address a forfeited issue where necessary to obtain a just result or maintain a sound body of precedent. *People v. Acosta*, 2024 IL App (2d) 230475, ¶ 15. Whether a court imposed a sanction that was unauthorized by statute is a question of statutory interpretation; thus, our review is *de novo*. *People v. Taylor*, 2023 IL 128316, ¶ 45; *People v. Swan*, 2023 IL App (5th) 230766, ¶ 16.

¶ 20 The Code, as amended—and, in particular, section 110-6(f)—is silent on this issue. Indeed, the trial court believed that "if the legislature had intended that this was a finding of contempt that would also then entitle him to good[-]conduct behavior [credit], they could have included that in the statute." Respectfully, however, the plain language of the statute reflects that the presumption

runs the other way. See *In re Craig H.*, 2022 IL 126256, ¶ 25 (the fundamental objective of statutory construction is to ascertain and give effect to the intent of the legislature, the best evidence of which is the plain language used in the statute, given its plain and ordinary meaning). Section 110-6(f)(2) of the Code does not specify that good-conduct credit does *not* apply. See 725 ILCS 5/110-6(f)(2) (West 2022). As defendant points out, the Behavior Allowance Act generally provides that, based upon good behavior, a defendant is *entitled* to credit while confined. 730 ILCS 130/3 (West 2022). Specifically, "[t]he good behavior of any person who commences a sentence of confinement in a county jail for a fixed term of imprisonment *** *shall* entitle such person to a good behavior allowance." (Emphasis added.) *Id.* Section 3 provides six exceptions to the presumed entitlement to good-conduct credit, but none applies here.[2] Moreover, although the sanction here did not arise from a criminal contempt proceeding, the nature of the sanction is

[2]Specifically, "(1) a person who inflicted physical harm upon another person in committing the offense for which he is confined shall receive no good behavior allowance; and (2) a person sentenced for an offense for which the law provides a mandatory minimum sentence shall not receive any portion of a good behavior allowance that would reduce the sentence below the mandatory minimum; and (3) a person sentenced to a county impact incarceration program; and (4) a person who is convicted of criminal sexual assault under subdivision (a)(3) of Section 11-1.20 or paragraph (a)(3) of Section 12-13 of the Criminal Code of 1961 or the Criminal Code of 2012, criminal sexual abuse, or aggravated criminal sexual abuse shall receive no good behavior allowance." 730 ILCS 130/3 (West 2022). Section 3 then continues and includes two more exceptions, namely, "[t]he good behavior allowance provided for in this Section shall not apply to [(1)] individuals sentenced for a felony to probation or conditional discharge where a condition of such probation or conditional discharge is that the individual serve a sentence of periodic imprisonment or [(2)] to individuals sentenced under an order of court for civil contempt." *Id.*

similar to criminal contempt,[3] for which good-conduct credit has been held to apply. See *Kaeding v. Collins*, 281 Ill. App. 3d 919, 928 (1996) ("Plaintiff was sentenced for direct criminal contempt, and, as none of the exceptions enumerated in the [Behavior Allowance] Act apply, he must be accorded day-for-day good-behavior allowance ***."); *People v. Russell*, 237 Ill. App. 3d 310, 314-15 (1992) ("The absence of criminal contempt as an exception indicates the legislature viewed this offense as one which should have the opportunity to receive good time for good behavior while in jail. The trial judge had no authority to deny defendant's credit for good behavior while serving his jail term."). Finally, as defendant notes, the legislature recently modified section 3 of the Behavior Allowance Act and substituted the phrase unable to "comply with conditions of release" for unable to "post bail." Pub. Act 101-652, § 10-295 (eff. Jan. 1, 2023) (amending 730 ILCS 130/3).[4] It did not, however, include section 110-6(f)(2) sanctions as a new, seventh exception to good-conduct credit entitlement. As the statutory language is clear and unambiguous,

[3]"Criminal sanctions are retrospective in nature; they seek to punish a contemnor for past acts which he cannot now undo. Civil sanctions are prospective in nature; they seek to coerce compliance at some point in the future. That point might be immediate compliance in open court or whenever the contemnor chooses to use his 'key'—namely, compliance—to open the jailhouse door." *In re Marriage of Betts*, 200 Ill. App. 3d 26, 46 (1990).

[4]The referenced sentence in section 3 of the Behavior Allowance Act now reads, in part, "[t]he prisoner shall receive one day of good behavior allowance for each day of service of sentence in the county jail, and one day of good behavior allowance for each day of incarceration in the county jail before sentencing for the offense that he or she is currently serving sentence but was unable to *comply with the conditions of pretrial release* before sentencing." (Emphasis added.) Pub. Act 101-652, § 10-295 (eff. Jan. 1, 2023) (amending 730 ILCS 130/3).

we will not read into it exceptions, conditions, or limitations the legislature did not express. *In re Craig H.*, 2022 IL 126256, ¶ 25.

¶ 21 Although the trial court noted that the plain language of section 110-6(f) refers to a "sanction" of imprisonment, rather than a "sentence" of imprisonment, this seems a distinction without difference here. Either way, defendant is being ordered to serve a term of imprisonment, and, as noted above, sanctions for criminal contempt remain subject to good-conduct credit. Indeed, courts have discussed jail "sentences" imposed as a "sanction" for criminal contempt, when explaining why good-conduct credit applies. See, *e.g.*, *People v. Bailey*, 235 Ill. App. 3d 1, 4 (1992).

¶ 22 Given the absence of an exception to good-conduct credit for pretrial release sanctions in either section 110-6 of the Code or the Behavior Allowance Act, we do not think the legislature intended to create one. Thus, the court erred in ordering defendant to be held with no credit to apply. Accordingly, we reverse and vacate the sanctions order to the extent it denied defendant good-time credit toward his 30 days' imprisonment in the county jail.

¶ 23 III. CONCLUSION

¶ 24 For the reasons stated, we reverse and vacate in part the trial court's order, to the extent it determined that good-conduct credit did not apply to the 30-day sanction of imprisonment.

¶ 25 Reversed in part and vacated in part.

***People v. Seymore*, 2025 IL App (2d) 240616**

Decision Under Review:	Appeal from the Circuit Court of De Kalb County, No. 24-C-499; the Hon. Joseph C. Pederson, Judge, presiding.
Attorneys for Appellant:	James E. Chadd, Carolyn R. Klarquist, and Samuel B. Steinberg, of State Appellate Defender's Office, of Chicago, for appellant.
Attorneys for Appellee:	Patrick Delfino and David J. Robinson, of State's Attorneys Appellate Prosecutor's Office, of Springfield, for the People.

IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT DEKALB COUNTY, ILLINOIS

People of the State of Illinois
vs.
Geoffrey Seymore
Defendant

Case No. 24CF499

FILED
IN OPEN COURT
SEP 13 2024
Lori Grubbs
Clerk of the Circuit Court
DeKalb County, Illinois

PRETRIAL SANCTIONS HEARING ORDER

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

☐ Defendant present in open court ☒ Defendant appearing via simultaneous audio/video
☐ Private Defense Attorney ☒ Public Defender ☐ Self Represented

Sanctions Hearing Held Based On: (725 ILCS 5/110-6(d))
☐ The Court's motion ☒ The Prosecution's verified petition for sanctions

Sanctions Hearing Held Based On: (725 ILCS 5/110-6(c))
☐ Failure to appear in Court ☐ Summons Issued ☐ Bench Warrant Issued
☐ Arrest for an offense other than a felony or Class A Misdemeanor
☐ Felony or Class A Misdemeanor arrest, with underlying charge: ☐ Class A or higher ☐ Class B/C or lower
☒ Violation of: ☒ Electronic Monitoring ☐ DV Order of Protection ☐ Civil No Contact ☐ Stalking No Contact
☐ Other: _____

The Court Finds:
☒ By clear and convincing evidence that the Defendant violated a term of their pretrial release, the Defendant had actual knowledge the action would violate a Court Order, and that the violation was willful and was not caused by a lack of access to monetary resources. (725 ILCS 5/110-10)
☐ **DENIED** – No Sanctions Ordered. The Prosecution was unable to prove by clear and convincing evidence.

It is hereby ordered:
☐ DEFENDANT IS SANCTIONED (725 ILCS 5/11-6(f))
☐ Verbal admonishment
☐ Written admonishment _____
☒ Imprisonment in the DeKalb County Jail for a period of 30 (not exceeding 30 days)
(See Mittimus Order Remanding Custody) NO GOOD TIME TO APPLY
☐ A modification of Defendant's pretrial release conditions. (See Pretrial Release Order)
☒ Case continued to 10/10/24 (date) at 2 pm (time) in room 230

Judge

9-13-24
Date

Order – Pretrial Release Sanctions Hearing-08-07-2023

IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT
DEKALB COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 24 CF 499
	)	
GEOFFREY SEYMORE,	)	
	)	
Defendant.	)	

SUPREME COURT RULE 604(h)(2) MOTION FOR RELIEF

Now comes GEOFFREY SEYMORE, by and through his attorney, CHARLES CRISWELL, JR., Dekalb County Public Defender, and for his Supreme Court Rule 604(h)(2) Motion for Relief respectfully states as follows:

1. GEOFFREY SEYMORE was arrested on September 7, 2024 and charged with the offenses of Aggravated Unlawful Participation in Meth Production (X), Unlawful Possession of Meth with the Intent to Deliver (2), and Unlawful Possession of Meth (3).
2. Defendant was granted pretrial release, subject to terms and conditions, including that he be placed on Electronic Home Monitoring (EHM).
3. On September 12, 2024 the State filed a verified petition requesting a hearing for sanctions, alleging that Defendant violated his pretrial release by going to 3 unauthorized locations while on EHM.
4. On September 13, 2024, the Court found by clear and convincing evidence that Defendant violated the conditions of his release and imposed a sanction of 30 days imprisonment in the county jail, pursuant to section 725 ILCS 5/110-6(f)(2) of the Pretrial Fairness Act. The Court further stated that it would not grant day-for-day credit to Defendant.
5. As of the date of this filing, Defendant has been in custody for approximately 10 days.
6. The County Jail Good Behavior Allowance Act states that, other than specifically delineated exceptions, each person serving a sentence of confinement in a county jail is entitled to this "good behavior allowance." 730 ILCS 130/3.
7. The Act's good behavior allowance applies to all sentences of incarceration unless the sentence meets one of the Act's exceptions. While one exception states that a sentence entered under a civil contempt order is not subject to the Act's good behavior allowance, no such exception exempts sentences for criminal contempt or for pretrial release violations from the Act's requirements. 730 ILCS 130/3.
8. Illinois courts have consistently, without exception, held that the good behavior allowance must apply to sentences for analogous direct and indirect criminal contempt. See Kaeding

v. Collins, 281 Ill.App.3d 919 (1996) ("Plaintiff was sentenced for direct criminal contempt, and, as none of the exceptions enumerated in the Act apply, he must be accorded day-for-day good-behavior allowance"); People v. Russell, 237 Ill.App.3d 310 (1992) ("The absence of criminal contempt as an exception indicates the legislature viewed this offense as one which should have the opportunity to receive good time for good behavior while in jail. The trial judge had no authority to deny defendant's credit for good behavior while serving his jail term.").

9. Accordingly, Defendant is entitled to day-for-day credit during his 30-day sanction that began on or before September 13, 2024.

WHEREFORE, Defendant requests that this Court grant this motion and enter an order directing the DeKalb County Sheriff to grant day-for-day good time credit for every day that Defendant is in custody for this violation.

Respectfully submitted,

Charles A. Criswell, Jr.
DeKalb County Public Defender

Office of the DeKalb County Public Defender
133 W. State Street
Sycamore, Illinois 60178
(815) 899-0760

STATE OF ILLINOIS)
) SS.
COUNTY OF DEKALB)

PROOF OF SERVICE

I, the undersigned, being first duly sworn upon oath, say that I served the above Notice by mailing and emailing a copy thereof to whom it is addressed on this the 19th Day of September, 2024.

Subscribed and sworn to
before me this 19th day
of September, 2024.

Notary Public

OFFICIAL SEAL
STEPHANIE FRUIT
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 06/07/2027

IN THE CIRCUIT COURT OF DeKalb COUNTY
23rd JUDICIAL CIRCUIT

PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff-Appellee,

-vs-

GEOFFREY SEYMORE,
Defendant-Appellant.

No. 24 CF 499

NOTICE OF APPEAL FROM PRETRIAL DETENTION OR RELEASE ORDER PURSUANT TO ILLINOIS SUPREME COURT RULE 604(h)

(Defendant as Appellant)

Court from which appeal is taken:

Circuit Court of DeKalb County.

The Judge who entered the order on the motion for relief under Rule 604(h)(2): Honorable Joseph Pedersen

Date of Order on Motion for Relief*: September 26, 2024

***Without an Order on a Motion for Relief, this notice of appeal is prohibited by Rule 604(h)(2).**

Date(s) of Hearing(s) Regarding Pretrial Release: September 26, 2024

Court to which appeal is taken:

Appellate Court of Illinois, Second Judicial District

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

Defendant's Name: Geoffrey Seymore
Defendant's Address: 410 South Fourth St, DeKalb, IL 60115
Defendant's E-mail: geoffreyseymore1@gmail.com
Defendant's Phone: 815-557-2242

If Defendant is indigent and has no attorney, does he or she want one appointed? ☑ Yes ☐ No

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

Attorney's Name: OSAD

Attorney's Address:

Attorney's E-mail:

Attorney's Phone:

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

Attorney's Name: Charles Criswell, Jr.

Attorney's Address: 133 West State Street, Sycamore, IL 60178

Attorney's E-mail: ccriswell@dekalbcounty.org

Attorney's Phone: 815-899-0760

Is the trial attorney a public defender? ☑ Yes ☐ No

Nature of Order Appealed (check only one):

☐ Denying pretrial release

☐ Revoking pretrial release

☐ Imposing conditions of pretrial release

☒ Summons

Are there currently pending any other appeals in this matter by the same party under the Pretrial Fairness Act? ☐ Yes* ☑ No

***If Yes, this notice of appeal is prohibited by Rule 604(h)(11).**

I certify that everything in this NOTICE OF APPEAL FROM PRETRIAL DETENTION OR RELEASE ORDER 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

Charles Criswell, Jr.
Printed Name

6272100
Attorney # (if any)

IN THE CIRCUIT COURT FOR THE TWENTY THIRD JUDICIAL CIRCUIT, DEKALB COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee,	)	
vs.	)	No: 24 CF 499
GEOFFREY SEYMORE, Defendant-Appellant.	)	

NOTICE OF FILING NOTICE OF APPEAL

To: Brooks Locke
Assistant DeKalb County State's Attorney
133 W. State Street
Sycamore, Illinois 60178

Please take notice that on October 15, 2024 I filed the attached Notice of Appeal with the Circuit Clerk's Office of the Court for the Twenty Third Judicial Circuit of DeKalb County, Illinois.

Respectfully submitted,

Charles A. Criswell, Jr.
Public Defender

DeKalb County Public Defender
133 W. State Street
Sycamore, Illinois 60178
(815) 899-0760

Index to the Record on Appeal

***People v. Seymore*, No. 2024 CF 499 (DeKalb Cnty. Cir. Ct.)**

I. Common Law Record (cited as "C__")

II. Impounded Common Law Record (cited as "CI __")

III. Report of Proceedings (cited as "R__")

CERTIFICATE OF FILING AND SERVICE

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 May 12, 2025, the foregoing **Brief and Appendix of Plaintiff-Appellant People of the State of Illinois** was filed with the Clerk of the Illinois Supreme Court using the Court's electronic filing system, which provided service to the following:

Carolyn R. Klarquist
Samuel B. Steinberg
Office of the State Appellate Defender
Pretrial Fairness Unit
203 North LaSalle St., 24th Floor
Chicago, IL 60601
PFA.eserve@osad.state.il.us

Counsel for Defendant-Appellee

/s/ Lauren E. Schneider
LAUREN E. SCHNEIDER
Assistant Attorney General