

2026 IL App (1st) 261189
No. 1-26-1189B
Opinion filed October 21, 2026

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT
FOURTH DIVISION

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee,

v.

BYRON BROYLES, Defendant-Appellant.

Appeal from the Circuit Court of Cook County.
Honorable Charles P. Burns, Judge, Presiding.
No. 25 CR 4279

JUSTICE MITCHELL delivered the judgment of the court, with opinion.
Justice Navarro concurred in the judgment and opinion.
Justice Ocasio dissented, with opinion.

OPINION

¶ 1 In this pretrial detention appeal, defendant Byron Broyles appeals the circuit court’s denial of his request to modify his electronic monitoring order to allow additional movement. Ill. S. Ct. R. 604(h)(1)(i) (eff. Apr. 15, 2024). Defendant argues the circuit court erred because he had a verified offer of employment that precipitated the request, and nothing in the record justified allowing movement for basic activities while denying additional movement for employment, which is a “basic activity” under the Electronic Monitoring and Home Detention Law. 730 ILCS 5/5-8A-4(A)(1), (A-1) (West Supp. 2025). For the following reasons, we dismiss the appeal for lack of jurisdiction.

¶ 2 The State charged defendant with possession of a controlled substance with intent to deliver (720 ILCS 570/401(a)(2)(D) (West 2024)) and controlled substance trafficking (*id.* § 401.1(a)) following the discovery of five kilograms of cocaine in suitcases defendant allegedly collected from the baggage claim at a Chicago airport. The circuit court released defendant pretrial subject to 24/7 electronic monitoring with “Basic/Essential” movement on Tuesdays and Fridays from 10 a.m. to 4 p.m. Since defendant lived in Michigan, he was put on the “No Place to Stay” list and ultimately placed at Zam’s Hope Community Resource Center in Chicago.

¶ 3 At a hearing two-and-a-half months later, defendant’s counsel informed the circuit court that defendant received a letter from the executive director of Zam’s Hope extending an offer of employment from a company that participated in the organization’s temporary job training program. The letter provided details about the position as a laborer on a renovation project and requested defendant be allowed movement to work Saturday through Wednesday from 12:00 p.m. to 7:00 p.m. Counsel explained that she had called the director of Zam’s to verify the letter’s legitimacy and requested additional movement for the shifts proposed in the letter plus travel time on either end. The circuit court denied the motion without further comment.

¶ 4 Defendant filed a motion for relief including roughly the same arguments he advances on appeal. Following argument, the circuit court denied the motion, citing the seriousness of defendant’s charges, his contacts in other states, and the length of time he had been under the circuit court’s supervision:

“The defendant has contacts in another state, the defendant is charged with a very serious offense here. He was placed on my release about 2 month[s] ago. There are no requirements in the statute that I have to authorize him to work. I am not going to do that. I am not going to grant him permission to work.”

This timely appeal followed.

¶ 5 It is axiomatic that a reviewing court must independently ascertain whether it has jurisdiction to consider an appeal. Although neither party raised the issue, we requested supplemental briefing to address whether an order refusing to modify previously imposed conditions constituted an interlocutory order from which an appeal may be taken under Illinois Supreme Court Rule 604(h). Ill. S. Ct. R. 604(h) (eff. Apr. 15, 2024). Defendant argues the order denying modification is appealable where defendant listed the initial detention hearing date, at which the conditions were first imposed, on his notice of appeal. The State contends an order denying additional movement is not one of the orders listed under Rule 604 and that such appeals would proliferate where defendants may repeatedly request, and be denied, additional movement over the course of their pretrial release. We review the interpretation of Illinois Supreme Court rules *de novo* using the same principles that apply to statutory construction. *People v. Salem*, 2016 IL 118693, ¶ 11.

¶ 6 There are only “two paths to the appellate court: an appeal from a final order and an appeal from an interlocutory order when such an appeal is allowed by [Illinois Supreme Court] rules.” *People v. Seymore*, 2025 IL 131564, ¶ 19; *People v. Holmes*, 235 Ill. 2d 59, 66 (2009) (“The 1970 Illinois Constitution grants [the Illinois Supreme Court] the exclusive and final authority to prescribe the scope of interlocutory appeals from any order or ruling that is not a final judgment.”). This court’s jurisdiction to decide an appeal from a nonfinal order is therefore “based solely on what our supreme court has permitted us to hear under its rules.” *Legacy Re, Ltd. v. 401 Properties Ltd. Partnership*, 2023 IL App (1st) 220855, ¶ 16. The question is whether an order denying a request to modify previously imposed conditions falls within any of the types of orders identified in Rule 604(h).

¶ 7 We begin with the language of the rule. Rule 604(h) allows for appeal from certain pretrial release orders on an interlocutory basis:

“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)(i)-(iv) (eff. Apr. 15, 2024).

The rule does not expressly authorize an appeal from an order refraining from modifying conditions. The omission is significant. The rule does not authorize interlocutory review of every order concerning pretrial release; rather it identifies very specific orders which may be reviewed on an interlocutory basis. Our jurisdiction over interlocutory appeals is limited to those expressly authorized by supreme court rule. We have no authority to expand our jurisdiction. *Lewis v. NL Industries, Inc.*, 2013 IL App (1st) 122080, ¶ 5.

¶ 8 The distinction between an order imposing conditions and an order refusing to modify them is substantive, not merely semantic. An order imposing conditions establishes restrictions governing a defendant’s release and is expressly subject to interlocutory appeal by a defendant or the State. Ill. S. Ct. R. 604(h)(1)(i) (eff. Apr. 15, 2024). By contrast, when a defendant later asks the circuit court to relax an existing condition and the court denies that request, the court leaves the previously imposed conditions in place. The order challenged here did not initially establish defendant’s electronic monitoring requirements or impose a new restriction. It denied defendant’s subsequent request for additional movement.

¶ 9 The fact that both orders may result in a defendant remaining subject to the same restrictions does not make them legally equivalent. Treating an order denying modification as an order imposing conditions merely because it leaves existing restrictions in place would collapse any distinction and would permit interlocutory review of orders that Rule 604(h) does not expressly make appealable. Such a result is contrary to the text of the rule.

¶ 10 Other provisions in Rule 604 bolster this conclusion. Rule 604(c)(1), which governs interlocutory review of certain bail orders entered before the effective date of the Pretrial Fairness Act, expressly refers to orders “setting, modifying, revoking, denying, or refusing to modify bail or the conditions thereof.” Ill. S. Ct. R. 604(c)(1) (eff. Apr. 15, 2024); *Rowe v. Raoul*, 2023 IL 129248, ¶ 4. The supreme court thus used clear and precise language when it sought to include orders refusing to modify existing conditions. It did not adopt that language as to conditions of pretrial release even as it imported other parts of Rule 604(c) into Rule 604(h). Ill. S. Ct. R. 604(h)(2) (eff. Apr. 15, 2024) (adding the motion for relief requirement to the pretrial release rule using language similar to that already employed regarding motions for relief under Rule 604(c)(1)). This is significant because the provisions address related subjects and the prior rule expressly identified refusals to modify existing conditions as appealable orders. The absence of comparable language in Rule 604(h) supports the conclusion that those orders are not separately appealable under that provision. See, e.g., *People v. Clark*, 2019 IL 122891, ¶ 23 (when particular language appears in one provision but is omitted from another, the omission suggests an intent to establish different “meanings and results”).

¶ 11 The text and structure of the Pretrial Fairness Act further supports this conclusion. Rule 604(h) authorizes appeals of interlocutory orders entered under sections 110-5, 110-6, and 110-6.1 of the Code of Criminal Procedure of 1963. Ill. S. Ct. R. 604(h)(1) (eff. Apr. 15, 2024). In those

sections, there are provisions describing appellate rights for various decisions under the Act. The section regarding detention and continued detention, for example, provides for a defendant's appeal from "any order entered under this Section denying his or her pretrial release." 725 ILCS 5/110-6.1(j). The section governing modification of conditions, along with revocation and sanctions, only provides for appeal from "an order revoking pretrial release or denying a petition for revocation of release," and makes no reference to an appeal from an order modifying or refusing to modify conditions. *Id.* § 110-6(a). Read together, these provisions make clear that not every decision made under the Act will support interlocutory review.

¶ 12 *People v. Seymore* provides a useful analogy. 2025 IL 131564, ¶ 18. There, the Illinois Supreme Court considered whether an order sanctioning a defendant for violating his conditions of pretrial release by jailing him for thirty days was appealable under Rule 604. *Id.* ¶¶ 5, 18. The supreme court examined each relevant basis for interlocutory jurisdiction under Rule 604(h) and, not finding sanctions among them, determined it lacked jurisdiction to review sanctions under Rule 604. *Id.* ¶¶ 19-24. An order refusing to modify conditions has the same infirmity in that it simply does not appear on the face of the rule.

¶ 13 Defendant's reliance on the original conditions hearing does not alter the nature of the order actually challenged in this appeal. Although defendant's notice of appeal identifies the date on which conditions were initially imposed, defendant does not challenge any aspect of that order in this appeal. Unlike the defendant in *People v. La Parra*, the case defendant cites in support of this court's jurisdiction, defendant here does not argue that the circuit court erred in imposing electronic monitoring or the original restrictions. 2026 IL App (1st) 252638-U, ¶¶ 2, 25, 30-31 (reviewing the order initially imposing electronic monitoring and the subsequent order denying a petition to modify conditions where the defendant challenged both on appeal). His contention on appeal rather

rests on a subsequent offer of employment and the circuit court’s refusal to authorize additional movement. And the circuit court’s reasons for denying that request—including the seriousness of the charges, defendant’s out-of-state contacts, and the relatively short period of supervision—likewise concern the later request for modification. In any event, a notice of appeal cannot enlarge the categories of interlocutory orders made appealable under Rule 604(h).

¶ 14 Our esteemed colleague in the dissent conflates the circuit court’s continuing duty to reassess the necessity of existing conditions with the distinct question of whether an order declining to modify those conditions is appealable. The Pretrial Fairness Act requires the circuit court to reconsider whether existing conditions remain necessary (725 ILCS 5/110-5(f-5)), but it does not follow that every decision leaving those conditions in place constitutes a new order “imposing” them within the meaning of Rule 604(h)(1)(i). That interpretation would effectively convert every denial of a request for less restrictive conditions into an appealable order, notwithstanding the rule’s omission of the express language “refusing to modify” found in Rule 604(c)(1). The statutory duty to reconsider conditions does not itself expand the categories of interlocutory orders the supreme court has made appealable.

¶ 15 Further, although the Act’s provisions concerning appeals may inform our interpretation of the supreme court rules implementing the Act, the authority to permit appeals from nonfinal judgments rests exclusively with the supreme court:

“[A]ttempts by the legislature to make nonfinal judgments appealable violate article VI, section 6, of our constitution. [Citations.] By that constitutional provision, the power to authorize appeals from other than final judgments is vested exclusively in [the supreme court].” *Almgren v. Rush-Presbyterian-St. Luke’s Medical Center*, 162 Ill. 2d 205, 213 (1994).

The question, therefore, is whether Rule 604(h) authorizes this appeal. Because the rule does not authorize an appeal from an order refusing to modify conditions of pretrial release, we lack

jurisdiction and the appeal must be dismissed. In short, an order refusing to modify conditions is not subject to interlocutory appeal because the supreme court did not include it in the orders appealable under Rule 604(h).

¶ 16 Appeal dismissed.

¶ 17 JUSTICE OCASIO, dissenting:

¶ 18 I would hold that an order denying a defendant’s motion to modify existing conditions of pretrial release is appealable under Illinois Supreme Court Rule 604(h)(1)(i) (eff. Apr. 15, 2024). The majority reaches the opposite conclusion by treating the imposition of release conditions as a one-time event that occurs at the initial hearing on release conditions. Because that is contrary to the pretrial release statutes, which make clear that release conditions are reconsidered—and reimposed—each time the defendant appears in court, I must respectfully dissent.

¶ 19 The question before us is whether the order being appealed from was “an order imposing conditions of pretrial release.” Ill. S. Ct. R. 604(h)(1)(i) (eff. Apr. 15, 2024). We interpret rules just like statutes, so “[o]ur goal is to ascertain and give effect to the intention of the drafters of the rule.” *People v. Easton*, 2018 IL 122187, ¶ 13. Here, the drafters of Rule 604(h)(1)(i) specifically adopted the language found in section 110-5(k), which provides for appeals from “orders imposing conditions of pretrial release.” 725 ILCS 5/110-5(k) (West 2024). The rule’s recitation of the precise statutory text is an unmistakable signal that Rule 604(h)(1)(i) was intended to adopt the right to appeal found in section 110-5(k). That is why I do not think that the rule’s departure from the language used in Rule 604(c)(1) has the interpretive significance it otherwise would; the new rule is written to align with the new statute, not to draw a contrast with the old rule.

¶ 20 For the same reason, Rule 604(h)(1)(i) must be read in conjunction with the pretrial-release statutes. The majority’s analysis hinges on the premise that a release condition, once imposed,

remains in effect unless and until the court decides to modify it. But the pretrial-release statutes do not work that way. Instead, they require the court to reconsider conditions of pretrial release anew each and every time the defendant appears in court. Specifically, at each appearance, “the judge must find that the current conditions imposed are necessary to reasonably ensure” the defendant’s appearance, the safety of another person, or the compliance with release conditions. 725 ILCS 5/110-5(f-5) (West 2024). Furthermore, the State is expressly assigned the burden of proving that proposition by clear and convincing evidence “[a]t all pretrial hearings,” not just the first conditions-of-release hearing. *Id.* § 110-2(b). And there does not need to be any change in circumstances to remove a release condition. *Id.* § 110-5(f-5). These provisions make it clear that conditions of pretrial release are not imposed once and then frozen; the General Assembly made their imposition and reimposition a series of discrete judicial acts. When a circuit court denies a motion to modify and leaves conditions in place, it discharges precisely the section 110-5(f-5) duty to find the current conditions necessary. That determination is a fresh order imposing conditions of pretrial release, appealable under both section 110-5(k) and Rule 604(h)(1)(i). This is why the drafters needed no separate “refusing to modify” category; an order maintaining conditions after a modification request is already “an order imposing conditions.” The absence of a dedicated modification category reflects the continuing nature of conditions, not an intent to insulate their continuation from review.

¶ 21 The purpose of the pretrial-release provisions reinforces this reading. The framework exists to provide meaningful review of pretrial-release decisions affecting a defendant’s liberty, and the conditions of release are not static. The scheme specifically contemplates that courts will reassess and modify conditions as circumstances evolve. A decision refusing to loosen restrictions after a defendant demonstrates employment opportunities or changed circumstances is no less a

conditions-of-release determination than the original order establishing those restrictions. To hold such a decision unreviewable is to make the statutory promise of continuing reassessment unenforceable at the very moment it matters most.

¶ 22 *People v. Seymore*, 2025 IL 131564, does not compel a different result. There, the defendant was appealing from an order sanctioning him with jail time for a violation of pretrial release. *Id.* ¶ 18; see 725 ILCS 5/110-6(c) to (f) (West 2024) (authorizing imposition of sanctions after a hearing for violations of release conditions). The court found that the jail sanction was not an appealable order under Rule 604(h)(1) because it neither imposed conditions of release, revoked release, nor denied release. *Seymore*, 2025 IL 131564, ¶¶ 21-24. That holding reflected a very real distinction drawn by section 110-6 between revoking release and imposing sanctions. Section 110-6(a) authorizes revocation of release only for violations that lead to new criminal charges, and it expressly makes the court’s decision to revoke (or to not revoke) appealable. 725 ILCS 5/110-6(a) (West 2024). Sanctions, by contrast, are available for any violation of release conditions, and the statute does not provide for any right to appeal other than the one found in subsection (a) that applies to revocation decisions.

¶ 23 Unlike the distinction that section 110-6 draws between revoking release and imposing sanctions for violations, section 110-5 broadly authorizes appeals from “court orders imposing conditions of pretrial release.” *Id.* § 110-5(k). It does not draw the distinction the majority does between the initial determination of release conditions and subsequent determinations that those conditions are still warranted. Both are “court orders imposing conditions of pretrial release.”

¶ 24 On a final note, the majority expresses its concern that my interpretation would make every order that continues the previous conditions of release appealable on an interlocutory basis. I do not think that is problematic in any way.

¶ 25 First, it does no more than put orders that make no changes to release conditions on the same footing as orders for continued pretrial detention, which are appealable even though Rule 604(h) does not specifically provide for appeals from continued detention orders, only orders “denying pretrial release.” Ill. S. Ct. R. 604(h)(1)(iii) (eff. Apr. 15, 2024); see 725 ILCS 5/110-6.1(i-5) (requiring a finding “that continued detention is necessary” each time a defendant denied release appears in court) (West 2024). If anything, the fact the majority’s interpretation puts defendants whose pretrial-release conditions—no matter how restrictive—remain in place on a different appellate footing from those who remain held in pretrial detention under a parallel provision is a sign that its interpretation narrows Rule 604(h)(1)(i).

¶ 26 Second, we do not need to worry about the floodgates opening. Rule 604(h) provides an unusually permissive right to appeal pretrial-release matters. The scope of appealable orders is, as noted, broad. And, unusually, the rule allows the appeal to be taken “at any time prior to conviction.” Ill. S. Ct. R. 604(h)(3) (eff. Apr. 15, 2024). But at the same time, Rule 604(h) balances its intentionally permissive approach by (1) requiring prospective appellants to first file a motion for relief in the circuit court and (2) prohibiting a new pretrial-release appeal while an earlier one remains pending. See Ill. S. Ct. R. 604(h)(2), (3), (11) (eff. Apr. 15, 2024). In fact, the committee responsible for the most recent amendments to Rule 604(h) expressly said that the purpose of Rule 604(h)(11)’s one-appeal-at-a-time limitation was to avoid the “administrative quagmire” that results from appeals from “continuing reviews of detention *and release conditions*.” (Emphasis added.) Ill. S. Ct. Pretrial Release Appeals Task Force, Report and Recommendations 11 (Mar. 1, 2024).

¶ 27 Because the circuit court’s order determined the conditions under which defendant would remain at liberty pending trial, discharged the court’s continuing duty under section 110-5(f-5) to

find those conditions necessary, and expressly rejected a request to modify them to permit employment, the order is an appealable order imposing conditions of pretrial release under section 110-5(k) and Rule 604(h)(1)(i). We should decide this appeal on the merits, so I respectfully dissent from the majority's decision to dismiss.

People v. Byron Broyles, 2026 IL App (1st) 261189

Decision Under Review: Appeal from the Circuit Court of Cook County, No. 25 CR 4279; the Hon. Charles P. Burns, Judge, presiding.

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