

IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

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

v.

ANTONIO O. NEAL JR., Defendant-Appellee.

Appeal from the Circuit Court of Kane County.
Honorable Julia A. Yetter, Judge, Presiding.
No. 25-CF-2235

JUSTICE HUTCHINSON delivered the judgment of the court, with opinion.
Justices Schostok and Mullen concurred in the judgment and opinion.

OPINION

¶ 1 The State appeals an order denying its motion for relief, seeking to revoke defendant's furlough, which the State argues functionally constitutes a pretrial release under article 110 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/art. 110 (West 2024)). For the following reasons, we disagree and dismiss the appeal for lack of jurisdiction.

¶ 2 I. BACKGROUND

¶ 3 Defendant, Antonio O. Neal Jr., was indicted with a total of 24 counts: 10 counts of various firearm felonies (720 ILCS 5/24-1.7(a), 24-1.1(a) (West 2024); 430 ILCS 65/2(a)(1) (West 2024)); 3 counts of stalking (720 ILCS 5/12-7.3(a)(1), (2), (a-7) (West 2024)); 4 counts of various drug felonies (720 ILCS 550/5(d), 4(d) (West 2024); 720 ILCS 570/402(c) (West 2024)); 2 counts of eavesdropping (720 ILCS 5/14-2(a)(1), (4) (West 2024)); and 5 various misdemeanors (*id.* §§ 26.5-

3(a)(5), 26.5-2(a)(3), 31-1(a)(2); 625 ILCS 5/6-303(a), 11-502.15(b) (West 2024)). These charges stemmed from a series of incidents occurring between September 10 and 18, 2025, involving defendant's ex-girlfriend, J.T. Defendant allegedly threatened her over the phone, recorded her without her consent, and harassed her by texting her over 1,000 times and calling her approximately 33 times in a short period of time. Elgin police officers executed a search warrant for defendant's residence and vehicle on September 18, 2025. During the search, the officers recovered multiple firearms, ammunition, and various drugs (suspected MDMA, cannabis, and a white powdery substance).

¶ 4 On September 20, 2025, the State filed a verified petition to deny defendant pretrial release pursuant to section 110-6.1 of the Code (725 ILCS 5/110-6.1 (West 2024)). The petition was ultimately set for a hearing on June 10, 2026. In the interim, defendant agreed to all continuances and to remain in custody until the date of the hearing. After the hearing, the trial court ordered defendant detained, finding (1) he committed a detainable offense, (2) he posed a real and present threat to the safety of J.T. and the community at large, and (3) no conditions of pretrial release would mitigate the threat defendant posed.

¶ 5 On June 24, 2026, defendant filed a motion for furlough, seeking a temporary release from custody to attend his minor daughter's funeral. Notably, the motion was not requesting relief under the Code, as amended by Public Act 101-652 (eff. Jan. 1, 2023), commonly known as the Pretrial Fairness Act (Act). On July 1, 2026, the matter proceeded to hearing on the motion. Defense counsel noted he was proceeding "first on a reconsideration of his continued detention as the least restrictive means necessary. But as *** an alternative to that, proceeding on the motion for furlough."

¶ 6 Defense counsel submitted, as defendant's exhibit No. 1, defendant's transcripts from course work he had completed while in custody. Counsel also proffered that (1) after a failed suicide attempt, defendant's minor daughter was later found deceased in the Fox River and (2) should he be released, defendant had a counselor at the Ecker Center for Behavioral Health Services (Ecker Center) he would engage in services with.

¶ 7 The parties proceeded to argument. Defense counsel's argument was two-fold. First, he argued that the trial court should reconsider its determination that continued detention was the least restrictive means to ensure the safety of the alleged victim and the community at large. Since being detained, defendant had taken courses to better himself. He was not sitting idly in custody. Additionally, approximately nine months had passed since he was originally detained. Given the time that had passed from the alleged crime, defense counsel argued that electronic home monitoring (EHM), court-ordered counseling, and a no-contact order were all less restrictive means of mitigating the threat defendant posed. Second, defense counsel argued in the alternative that the trial court should grant defendant's motion for furlough to allow him to attend his daughter's funeral. Counsel confirmed that if defendant were to be granted furlough, he would reside in an apartment with his mother, separate from the victim. Accordingly, the State requested the trial court deny both defendant's request for reconsideration and his motion for furlough.

¶ 8 The State responded that though the situation was tragic, it did nothing to change the fact that defendant posed a real and present threat to both the victim and the community at large. Given his lengthy criminal history, no conditions of pretrial release could mitigate the threat defendant posed.

¶ 9 The trial court then issued its ruling. It acknowledged that defendant had taken some steps to educate himself while in custody. However, given the length and the nature of defendant's

criminal history and given the types of offenses defendant was currently charged with, the trial court concluded that detention continued to be the least restrictive condition to mitigate the threat defendant posed. The trial court then granted defendant's motion for furlough, over the State's objection. It specifically ordered that defendant was to be on EHM for the entirety of his furlough. He would be allowed to attend his daughter's funeral services but would otherwise be required to remain at his mother's residence. The trial court further ordered he was to have no contact with the victim, J.T.

¶ 10 On July 10, 2026, the matter was up again. Defendant failed to return from furlough. Instead, he cut off his EHM bracelet and absconded. Given that, the State filed a motion for relief pursuant to Illinois Supreme Court Rule 604 (eff. Apr. 15, 2024), requesting the trial court reconsider the granting of defendant's motion for furlough. The State argued that, in essence, the trial court had imposed conditions of pretrial release by granting the motion for furlough. Therefore, a motion for relief was the proper vehicle to challenge the order granting defendant's motion for furlough.

¶ 11 The trial court clarified that defendant was *not* on pretrial release, as it had previously denied defendant's motion to modify conditions: "I do want to be perfectly clear that *** the furlough that I granted to [defendant] was not a release under the Pretrial Fairness Act." It then denied the State's motion. This appeal followed.

¶ 12 II. ANALYSIS

¶ 13 The State argues (1) that the trial court did not have authority to grant a furlough to a defendant found to pose an unmitigable real and present threat, (2) that Illinois Supreme Court Rule 604(h) (eff. Apr. 15, 2024) authorizes an appeal from an order granting a motion for furlough, and (3) that the appeal falls within the public interest exception to mootness. Defendant responds,

arguing, *inter alia*, that the appeal is moot and that Rule 604(h) does not permit an appeal from an order granting a motion for furlough.

¶ 14 We first must address whether article 110 of the Code or some other authority empowers a trial court to grant a furlough to a defendant found to pose an unmitigable real and present threat. As we noted in *People v. Holman*, 2026 IL App (2d) 260137-U, ¶ 21, the Code does not specifically provide for a scenario involving a judicially granted furlough. However, historically, trial courts have routinely granted furloughs to defendants awaiting trial as an exercise of their inherent judicial authority over persons in local custody. See *People ex rel. Hemingway v. Elrod*, 60 Ill. 2d 74, 79 (1975) (stating that courts have the power to manage the conduct of proceedings before them, including the power to deny or revoke bail); *People v. Raymer*, 2015 IL App (5th) 130255, ¶ 3 (granting defendant’s request for a 48-hour furlough while detained pretrial); *People v. Johns*, 2020 IL App (4th) 170900-U, ¶ 12 (granting defendant a furlough to attend inpatient treatment for substance abuse).

¶ 15 Though the enactment of the Act dramatically changed Illinois pretrial detention law, it did not eliminate the court’s inherent authority over defendants in local custody—trial courts simply must exercise that inherent authority within the limits enacted by the legislature. See *Stewart v. Rosenblum*, 2025 IL 131365, ¶ 40 (“The court’s judicial authority must be construed in tandem with the legislature’s long-recognized authority to regulate the pretrial release system.”). The inherent authority of a trial court to grant a pretrial defendant a furlough does not run afoul of the Act. This is evident, as even after the enactment of the Act, trial courts have granted furloughs to defendants. See *People v. Lindemann*, 2026 IL App (5th) 250825-U, ¶ 38 (granting defendant medical furlough after the court revoked her pretrial release); *People v. Poulsen*, 2025 IL App (4th) 250758-U, ¶ 13 (granting defendant a furlough to seek mental-health treatment). We see no reason

to deviate from the historical trend and find that the trial court is authorized to grant a furlough to a defendant awaiting trial.

¶ 16 Next, we determine if Rule 604(h) authorizes an appeal from an order granting a motion for furlough. Issues of jurisdiction are questions of law, which we review *de novo*. *People v. Dyas*, 2025 IL 130082, ¶ 15. To the extent our analysis requires us to review and interpret a supreme court rule, our review is *de novo*. *Longstreet v. Cottrell, Inc.*, 374 Ill. App. 3d 549, 551-52 (2007).

¶ 17 Illinois Supreme Court Rule 604(h) (eff. Apr. 15, 2024) is entitled, “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.” Paragraph (h)(1) states:

“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*.”

(Emphases added.) Ill. S. Ct. R. 604(h)(1) (eff. Apr. 15, 2024).

Each appealable order under Rule 604(h) involves pretrial release. Accordingly, to answer the question of whether Rule 604(h) allows an appeal of an order granting a motion for furlough, we must determine whether a furlough constitutes a pretrial release from custody.

¶ 18 We find our analysis in *Holman* to be helpful here. In *Holman*, the trial court ordered the defendant detained, as he posed an unmitigable threat to the victim of the underlying burglary as well as the community. *Holman*, 2026 IL App (2d) 260137-U, ¶ 5. Later, the defense presented the court with a letter from Ecker Center, reflecting that the defendant had been accepted into a three-week long residential program. *Id.* ¶ 6. The trial court allowed the defendant to enter the program but noted in two written orders that the “ ‘defendant is to only be released to the Ecker Center for his treatment program’ ”; “ ‘[next court date] is for status of the defendant’s treatment program and status of his detention’ ”; and “ ‘if [the] defendant is to leave treatment before completion[,] then a warrant will immediately issue.’ ” (Emphases omitted.) *Id.* After being “ ‘terminated’ ” from the Ecker Center program, the defendant failed to appear at his subsequent court date, and the trial court issued a warrant for his arrest. *Id.* ¶ 7. The day the defendant was apprehended, the State moved to “ ‘revoke’ ” the defendant’s pretrial release. *Id.* ¶ 9. The trial court ultimately treated the order allowing the defendant to enter into the treatment program as a furlough, not a pretrial release. *Id.* Therefore, it revoked its August 18, 2025, orders, such that the defendant could no longer obtain treatment at the Ecker Center and could only return to custody. *Id.* The defendant then filed a motion for relief, which was ultimately denied as “ ‘the defendant was on a furlough when he went on warrant status and was not released from custody.’ ” *Id.* ¶ 13.

¶ 19 On appeal, we found that, despite the orders allowing the defendant to enter into a residential treatment program, the defendant “did *not* suddenly and without reassessment of the Code’s detention factors *receive* pretrial release” and that “the record clearly establishes that [the] defendant was not ‘released’ from detention.” (Emphases in original.) *Id.* ¶ 21.

¶ 20 Similarly here, the record clearly establishes that defendant was *not* released from detention. The trial court emphasized this point again and again. *Supra* ¶¶ 9, 11. A furlough is

separate and distinct from pretrial release. See *Poulsen*, 2025 IL App (4th) 250758-U, ¶¶ 15, 24 (Distinguishing between a furlough and a pretrial release from custody, noting the trial court’s comment that “ ‘[t]he furlough that you had before worked. It was short, short and sweet. That doesn’t mean a release would have the same desired effect at this point,’ ” and concluding it was reasonable to find the defendant’s timely return from medical furloughs was “not enough to remove the real and substantial threat [the] defendant’s release posed to the community [should he be released pretrial].”).

¶ 21 We find further support in our conclusion that a furlough does not constitute a pretrial release by looking outside of Illinois. Courts across the United States have found that defendants on furlough are still in custody. See *North Brevard County Hospital District v. Brevard County Board of County Commissioners*, 899 So. 2d 1200, 1202 (Fla. Dist. Ct. App. 2005) (holding that inmate was in custody of the county during furlough to hospital for medical treatment); *Bryson v. State*, 793 S.W.2d 252, 254 (Tenn. 1990) (“a prisoner on a short furlough from a state institution remains in the custody of the State”); *Smith v. State*, 361 A.2d 237, 239 (Del. 1976) (“we hold that the defendant was ‘in custody’ while on furlough”). It is axiomatic that defendants that are still in custody are not released pretrial.

¶ 22 The State argues that our supreme court’s analysis in *People v. Seymore*, 2025 IL 131564, compels a finding that the order granting furlough constitutes an order granting conditions of pretrial release. We disagree. In *Seymore*, our supreme court determined that Rule 604(h) does not authorize an appeal of an order imposing a sanction for violating a pretrial release condition. *Id.*

¶ 24. In reaching this conclusion, it noted that Rule 604(h) only authorizes the appeal of three types of interlocutory pretrial release orders: orders imposing conditions of pretrial release, orders

revoking pretrial release, and orders denying pretrial release. *Id.* ¶ 21. The sanction order did not fall in any of those categories. *Id.*

¶ 23 The supreme court compared the sanction order to the list of conditions of pretrial release set forth in section 110-10(a) and concluded the sanction order was not an order imposing a condition of pretrial release because a 30-day imprisonment was not listed in section 110-10(a). *Id.* ¶ 22. Further, the imprisonment sanction was punitive, which was impermissible under section 110-10(b). *Id.* The State argues that drawing that same comparison here requires a finding that the furlough order *is* an order imposing conditions of pretrial release, as EHM is one of the listed conditions set forth in section 110-10(a). However, the situation in *Seymore* is distinguishable. The central issue in *Seymore* was whether the defendant was entitled to good behavior credit under section 3 of the County Jail Good Behavior Allowance Act (730 ILCS 130/3 (West 2022)) for his 30 days' imprisonment sanction. *Seymore*, 2025 IL 131564, ¶ 1. Here, the central issue is whether a furlough order constitutes an order granting conditions of pretrial release.

¶ 24 We again find our analysis in *Holman* to be helpful in determining if the imposition of EHM rendered the furlough order an order granting conditions of pretrial release. In *Holman*, it was discovered during the pendency of the appeal that the defendant was granted another furlough to receive treatment at the Ecker Center. *Holman*, 2026 IL App (2d) 260137-U, ¶¶ 19-20. However, this time, he was placed on EHM. *Id.* We found that despite the defendant being on EHM, in all meaningful respects, the defendant was furloughed and his movements limited. *Id.* ¶ 20. Therefore, he was not and had never been released. *Id.* The same situation arises here. Defendant, despite being on EHM, had limited movements for a limited purpose. He was on furlough, not released pretrial. As Rule 604(h) does not authorize the appeal of an order granting defendant a furlough,

we lack jurisdiction over this appeal and must dismiss it. We decline to address the State's mootness argument, given our lack of jurisdiction.

¶ 25

III. CONCLUSION

¶ 26 For the reasons stated, we dismiss the appeal.

¶ 27 Appeal dismissed.

People v. Neal, 2026 IL App (2d) 260367

Decision Under Review: Appeal from the Circuit Court of Kane County, No. 25-CF-2235; the Hon. Julia A. Yetter, Judge, presiding.

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