No. 132265

IN THE

SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Appellate Court of Illinois, No. 2-24-0250.
Plaintiff-Appellee,	)	There on appeal from the Circuit Court of the Twenty-Third Judicial Circuit, Kendall County, Illinois, No. 20 CF 134.
-vs-	)	
RANDALL STAFFORD,	)	Honorable Robert P. Pilmer, Judge Presiding.
Defendant-Appellant.	)	

REPLY BRIEF FOR DEFENDANT-APPELLANT

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ORAL ARGUMENT REQUESTED

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ARGUMENT

While released on bond prior to trial, Randall Stafford was confined to his home and subject to GPS monitoring that restricted his travel and movement. Thus, he was under home detention pursuant to the Unified Code of Corrections and is entitled to credit against his prison sentence for that time.

Randall Stafford argues on appeal that he is entitled to credit against his prison sentence for the time he spent on pretrial home detention, as defined by section 5-4.5-100(b) of the Unified Code of Corrections (730 ILCS 5/5-4.5-100(b) (2022)) in effect at the time he was sentenced. (Op. Br. 8, 16-23) Additionally, Stafford argues that this Court's decisions in *People v. Ramos*, 138 Ill.2d 152 (1990), and *People v. Beachem*, 229 Ill.2d 237 (2008), and the appellate court decisions relying on them, interpret prior versions of the statute and do not compel a different result. (Op. Br. 18-22)

In response, the State focuses on the preamendment language of the statute, omits any mention of the fact that the amendment explicitly refers to home detention "for purposes of credit," and ultimately asks this Court to find that despite specifically amending section 5-4.5-100(b) to define "home detention for purposes of credit," the legislature intended that courts continue to look to the Electronic Monitoring and Home Detention Law (730 ILCS 5/5-8A-1 *et seq*.) to determine whether the defendant was eligible for credit. (St. Br. 12, 22) In other words, the State asks this Court to render the language added by the amendment meaningless surplusage. See *People v. Reed*, 2025 IL 130595, ¶ 25 ("When interpreting a statute, each word, clause, and sentence must be given a reasonable meaning if possible, and no part of the statute should be rendered superfluous or meaningless."). In addition to violating one of our cardinal rules of statutory construction, the State's claims regarding the Electronic Monitoring and Home Detention Law are unavailing. See *Fisher v. Waldrop*, 221 Ill.2d 102, 115 (2006) (referring to the presumption against surplusage as "one of our cardinal rules of statutory construction").

The State first contends that the statute "limits presentence credit for home detention to defendants who are in home detention in accordance with section 5-8A-3, a provision of the Electronic Monitoring and Home Detention Law," which "authorizes credit only when a 'supervising authority' establishes terms and conditions pursuant to a home detention program." (St. Br. 14, 22 (both citing 730 ILCS 5/5-8A-2(C)) Section 5-8A-2 defines various terms "as used in this Article." 730 ILCS 5/5-8A-2 (2022). Thus, by the plain language of the statute, section 5-8A-2(C) defines the term "home detention," for purposes of the Electronic Monitoring and Home Detention Law (Article 8A). Contrary to the State's claims, nothing in section 5-8A-2, nor any other part of the Electronic Monitoring and Home Detention Law says anything about presentencing credit or when it may be authorized. Indeed, the term "credit" is not used anywhere within Article 8A. 730 ILCS 5/5-8A-1 *et seq*. (2022).

The State also contends, like the appellate courts in *Smith*, *Donahue*, and below, that because a trial court judge is not a supervising authority as defined by section 5-8A-2(E), "home confinement" imposed by the court as a condition of bond or pretrial release cannot not qualify as "home detention" because the terms and conditions were established by the trial court. (St. Br. 14-16); *People v. Smith*, 2014 IL App (3d) 130548, ¶¶ 42-43; *People v. Donahue*, 2022 IL App (5th) 200274, ¶¶ 29-32; *People v. Stafford*, 2025 IL App (2d) 240250, ¶ 48. It is true that section 5-8A-2(E) does not list the court within the definition of "supervising authority," but that does not necessarily create the inference or bright-line rule the State and the appellate courts propose. Other sections of the Electronic Monitoring and Home Detention Law cast doubt upon such an inference or rule.

For instance, even though section 5-8A-2 does not list the court in the definition of a supervising authority, section 5-8A-7 explicitly refers to the court as a supervising authority, stating: "If the Prisoner Review Board, Department of Corrections, Department of Juvenile Justice or court (the supervising authority) orders electronic surveillance as a condition of parole, *** mandatory supervised release, *** probation or conditional discharge" for a violation of an order of protection, "or as a condition of bail[1] for a person charged with a violation of an order of protection, the supervising authority shall use the best available global positioning technology to track domestic violence offenders." 730 ILCS 5/5-8A-7 (2022). While Stafford was not on bond for a violation of an order of protection charge, section 5-8A-7's reference to the court as a "supervising authority" calls into question whether the omission of "court" from the definition of supervising authority in section 5-8A-2(C) should be understood as an exclusion. See *People v. Clark*, 2019 IL 122891, ¶ 19 (words and phrases must be considered "in light of other relevant statutory provisions and not in isolation"); *People v. McCarty*, 223 Ill.2d 109, 133 (2006) ("Under the doctrine of *in pari materia*, two statutes dealing with the same subject matter will be considered with reference to one another to give them harmonious effect."); *contra* St. Br. 14-15 (citing *In re C.C.*, 2011 IL 111795, ¶ 34 ("When a statute lists the things to which it refers, there is an inference that all omissions should be understood as exclusions, despite the

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[1] The current version of the statute, as amended by Public Act 101-652, § 10-280, effective January 1, 2023, replaces the word "bail" with "pretrial release."

lack of any negative words of limitation.”)).

Additionally, while the appellate court below agreed with *Donahue* and *Smith* that the plain language of section 5-8A-2 excludes from “home detention” any home confinement where the terms and conditions were established by the trial court, section 5-8A-4 undermines that assessment. Section 5-8A-4, titled “Program description,” provides that the “supervising authority may promulgate rules that prescribe reasonable guidelines under which an electronic monitoring and home detention program shall operate.” 730 ILCS 5/5-8A-4 (2022). The statute lists several examples of rules to apply when using electronic monitoring for home detention, including that a participant may be ordered to remain within their residence at all times “during hours designated by the supervising authority[,]” but subject to several, specific exceptions for approved absences related to employment, education, and medical, psychiatric, or mental health treatment, counseling or other treatment programs, all of which must be “approved by the court” or “approved for the participant by the court.” 730 ILCS 5/5-8A-4(A)(1) - (4) (2022). Thus, considering the Electronic Monitoring and Home Detention Law as a whole, rather than focusing solely on section 5-8A-2, it appears that the legislature contemplated that there would be occasions where the trial court would be involved in setting the terms and conditions of home detention.

The State argues that this Court’s decision in *Ramos* and the subsequent cases relying on it confirm that a defendant is not entitled to presentence credit for time spent on home confinement as a condition of pretrial release ordered by the court. (St. Br. 16-23) In 1990, this Court held in *Ramos* that time spent on bond, no matter how restrictive the conditions, does not qualify as time spent in custody in order to receive sentencing credit. 138 Ill.2d at 159-60. The Court ended its analysis by acknowledging that the legislature had recently expressly authorized imposition of home confinement with or without the use of a monitoring device, as a condition of bond. *Id.* at 161-62. However, the Court did "not discern an intent by the legislature *** to expand the circumstances in which a defendant is entitled to receive credit under [the statute]." *Id.* at 162.

The legislature has since evinced such an intent. Not only with the 2021 amendment to section 5-4.5-100(b) at issue here, but also with an amendment to the statutes regarding pretrial release contained within section 10-255 of Public Act 101-652, which took effect January 1, 2023, and is commonly referred to as the Pretrial Fairness Act. See *Rowe v. Raoul*, 2023 IL 129248, ¶ 4 n. 1. As this Court noted in *Rowe*, the Pretrial Fairness Act "dismantled and rebuilt Illinois's statutory framework for the pretrial release of criminal defendants." *Id.* ¶ 4. Relevant here, Public Act 101-652, § 10-255 amended 725 ILCS 5/110-5 by, among other things, adding subsection (h), which provides that "[i]f the court imposes electronic monitoring, GPS monitoring, or home confinement [as a condition of pretrial release], the court shall set forth in the record the basis for its finding. A defendant shall be given custodial credit for each day he or she was subjected to that program, at the same rate described in subsection (b) of Section 5-4.5-100 of the [U]nified [C]ode of [C]orrection[s]."

While this amendment took effect a little more than six months after Mr. Stafford was sentenced, given that both amendments were passed as part of the same Public Act, both address presentencing credit for home confinement or electronic monitoring, and section 110-5(h) invokes section 5-4.5-100(b), section

110-5(h) sheds light on the legislature's apparent objective in amending section 5-4.5-100. See *Clark*, 2019 IL 122891, ¶ 18; *McCarty*, 223 Ill.2d at 133; see also *Bruce v. Schuyler*, 9 Ill. 221, 232-33 (1847) (observing that "all acts passed upon the same subject at the same session of the legislature, are to be construed as one law." Thus, the legislature's amendment in section 110-5(h), supports Stafford's argument that the legislature intended to expand the circumstances in which a defendant may receive credit for time spent in an electronic monitoring or home confinement program, even when a trial court releases a defendant pretrial and imposes such a program as a condition of bond or pretrial release, and regardless of whether the terms and conditions were set by a supervising authority or the court.

As argued in Stafford's opening brief, because section 5-4.5-100(b) now defines "home detention for purposes of credit," there is no need to look to section 5-8A-2(C) to discern the definition of home detention for purposes of credit, or to discern whether the terms and conditions of a defendant's pretrial home confinement were established by a supervising authority—if a defendant was subject to "restrictions on liberty such as curfews restricting movement for 12 hours or more per day and electronic monitoring that restricts travel or movement," as Stafford was, he is entitled to credit against his sentence. (Op. Br. 16-17, 20, 22-23); 730 ILCS 5/5-4.5-100(b) (2022). Therefore, this Court should award Mr. Stafford an additional 629 days of credit against his sentence.

CONCLUSION

For the foregoing reasons, and those presented in his opening brief, Randall Stafford respectfully requests that this Court award him an additional 629 days of credit toward his prison sentence.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that this reply brief conforms to the requirements of Rules 341(a) and (b). The length of this reply brief, excluding pages contained in the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, and the certificate of service, is 7 pages.

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RANDALL STAFFORD,	)	Honorable Robert P. Pilmer,
Defendant-Appellant.	)	Judge Presiding.

NOTICE AND PROOF OF SERVICE

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Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct. On July 8, 2026, the Reply Brief was filed with the Clerk of the Supreme Court of Illinois using the court's electronic filing system in the above-entitled cause. Upon acceptance of the filing from this Court, persons named above with identified email addresses will be served using the court's electronic filing system and one copy is being mailed to the defendant-appellant in an envelope deposited in a U.S. mail box in Elgin, Illinois, with proper postage prepaid. Additionally, upon its acceptance by the court's electronic filing system, the undersigned will send 13 copies of the Reply Brief to the Clerk of the above Court.

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