Nos. 131365 & 131506 (cons.)

IN THE
SUPREME COURT OF ILLINOIS

AIMEE STEWART, Petitioner, v. HON. STEVEN J. ROSENBLUM, Respondent.	) Petition for Writ of Habeas Corpus, Mandamus, or Prohibition))) Underlying Case from the Circuit Court of Cook County, Illinois,) No. 24 CR 9706)))
PEOPLE OF THE STATE OF ILLINOIS Plaintiff Below.	) The Honorable Steven J. Rosenblum,) Judge Presiding.
PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. AIMEE STEWART, Defendant-Appellant.	) Appeal from the Circuit Court of Cook County, Illinois))) No. 24 CR 9706)) The Honorable Steven J. Rosenblum,) Judge Presiding.

BRIEF OF PLAINTIFF BELOW AND PLAINTIFF-APPELLEE PEOPLE OF THE STATE OF ILLINOIS

KWAME RAOUL
Attorney General of Illinois

ALEX HEMMER
Deputy Solicitor General

KATHERINE M. DOERSCH
Criminal Appeals Division Chief

ERIC M. LEVIN
Assistant Attorney General
115 South LaSalle Street
Chicago, Illinois 60603
(773) 590-7065
eserve.criminalappeals@ilag.gov

Counsel for Plaintiff Below and Plaintiff-Appellee, People of the State of Illinois

ORAL ARGUMENT REQUESTED

E-FILED
4/4/2025 10:37 AM
CYNTHIA A. GRANT
SUPREME COURT CLERK

TABLE OF CONTENTS

Page(s)

POINTS AND AUTHORITIES

NATURE OF THE CASES

These consolidated cases involve an as-applied constitutional challenge to provisions of the pretrial release statute — 725 ILCS 5/110-6(a) and (f) — that respectively allow a court to revoke a defendant's pretrial release only if the defendant is charged with a new offense (in violation of a condition of pretrial release) and limit the sanctions for a violation of any other pretrial release condition to an admonishment, modification of the defendant's release conditions, or up to 30 days in jail.

After defendant repeatedly failed to appear for court hearings as required by a condition of her pretrial release, the People sought sanctions. But the circuit court refused to impose a sanction and instead *sua sponte* revoked defendant's release, declaring that the restriction on its authority to do so under 725 ILCS 5/110-6(a) and the limited sanctions available under 725 ILCS 5/110-6(f) violate constitutional separation-of-powers principles as applied to defendant because, in the court's view, only revocation would ensure her future appearance.

Defendant appeals the revocation order under Supreme Court Rules 603 and 604(h) and petitions for a writ of habeas corpus, mandamus, or prohibition ("original action") under Supreme Court Rule 381. Neither case raises an issue on the pleadings.[1]

[1] Because the Attorney General, representing the People, is defending the constitutionality of the statutory provisions at issue, a Special Assistant

ISSUES PRESENTED FOR REVIEW

1. Whether the circuit court improperly declared the statutory scheme — authorizing sanctions, but not revocation of pretrial release, when a defendant fails to appear for court hearings — unconstitutional as applied to defendant without conducting an evidentiary hearing to determine the circumstances of defendant's missed appearances and without finding that, given those circumstances, no available sanction would adequately ensure defendant's future appearance.

2. Whether this Court should dismiss defendant's original action and decline her request for supervisory relief because her direct appeal provides an adequate vehicle to challenge the revocation of her pretrial release.

JURISDICTION

The circuit court revoked defendant's pretrial release on November 7, 2024, C80,[2] and denied defendant's motion to reconsider on December 12, 2024, C89. Defendant filed a notice of appeal to the appellate court on December 18, 2024. C91. On February 6, 2025, the appeal was transferred to this Court under Supreme Court Rule 365 and docketed as *People v.*

Attorney General has been appointed to represent the named respondent in the original action.

[2] "C" and "R" refer, respectively, to the common law record and report of proceedings in defendant's direct appeal. "SR," "SSR," and "2SSR" refer, respectively, to the supporting record, supplemental supporting record, and second supplemental supporting record in the original action.

Stewart, No. 131506. Jurisdiction in defendant's direct appeal lies under Supreme Court Rules 603 and 604(h)(1)(ii) because the order revoking defendant's pretrial release rests on a finding that provisions of state law are unconstitutional as applied to the facts of defendant's case. *See* R14-15.

On January 10, 2025, while defendant's direct appeal was pending in the appellate court, this Court allowed defendant leave to file a petition for writ of habeas corpus, mandamus, or prohibition in *Stewart v. Rosenblum*, No. 131365. Jurisdiction in this original action lies under Supreme Court Rule 381.

STATEMENT OF FACTS

A. Defendant repeatedly fails to appear for court hearings, violating a condition of her pretrial release.

On December 29, 2023, defendant was arrested in Oak Lawn, Illinois, charged by complaint with possession of a stolen motor vehicle (PSMV) in violation of 625 ILCS 5/4-103(a)(1), and released from the police station with notice to appear in the circuit court on January 2, 2024. C18; 2SSR1. When defendant failed to appear on January 2, the circuit court issued a warrant for her arrest, C20, which was executed on February 4, 2024, C22.

At defendant's first appearance on February 7, 2024,[3] the People did not petition to deny defendant pretrial release,[4] so the circuit court held a hearing to "determin[e] which conditions of pretrial release, if any, [would] reasonably ensure [defendant's] appearance . . . and the likelihood of compliance by . . . defendant with all the conditions of pretrial release." 725 ILCS 5/110-5(a).

The People proffered that Oak Lawn police had found defendant in her grandmother's car, which her grandmother had reported her to have stolen two days earlier in Champaign, Illinois. SR44. The People further proffered that defendant has prior convictions for burglary, retail theft, domestic battery, driving under the influence, and escape from electronic monitoring. SR45. Because defendant was charged with a felony, a pretrial services officer was required to prepare a report documenting defendant's "community ties, employment, residency, criminal record, and social background . . . to assist the court in determining the appropriate terms and conditions of pretrial release," 725 ILCS 185/7(a), but there is no such report in the record.

---

[3] Hearings on the PSMV charge through October 1, 2024, were held in the preliminary hearing division. All subsequent hearings were held in the criminal division before respondent.

[4] A defendant charged with PSMV, a Class 2 felony, may be denied pretrial release if the People allege and prove by clear and convincing evidence that the defendant poses "a high likelihood of willful flight to avoid prosecution" that no conditions of release can mitigate. 725 ILCS 5/110-6.1(a)(8), (e).

The circuit court ordered that defendant be released with "[s]tandard conditions," SR46, including the statutorily mandated conditions that she appear "for every court date" and "not . . . commit any criminal offenses," C25; *see* 725 ILCS 5/110-10(a) (listing mandatory conditions of pretrial release). In addition, the court placed defendant on "Level 1" supervision, C25, which required that defendant report to a pretrial services officer once a month, SR47; *see* 725 ILCS 5/110-10(b) (listing discretionary conditions, including that a defendant "[r]eport to or appear in person before such person or agency as the court may direct"). The court scheduled a preliminary hearing for February 28, 2024, and admonished defendant of her obligation to appear. SR47.

Defendant failed to appear on February 28. C27. The circuit court reset the preliminary hearing to March 21, 2024, *id.*, and the clerk's office mailed defendant notice of the new hearing date, C28. When defendant again failed to appear on March 21, C29, the court issued an arrest warrant, C30. The warrant was executed on May 4, 2024, C32, and at a hearing nine days later, the court ordered that defendant be released on the same "standard conditions" and supervision level as before, C36-37. The record reflects that defendant remained in custody through May 22, 2024, C39, and at a hearing on that date the court continued the case to June 5, 2024, C40.

On June 5, defendant again failed to appear, C42, and the court again issued an arrest warrant, C43. When the warrant was executed on July 27,

2024, arresting officers found oxycodone in defendant's pocket. C44-45. Two days later, the court again released defendant with "standard conditions" but did not specify the supervision level. C53-54. The court then continued the matter to September 4, 2024. C53.

On September 4, defendant again failed to appear, and the court yet again issued an arrest warrant, which was executed on September 9, 2024. C56-59. Two weeks later, on September 24, 2024, the court again released defendant with standard conditions and no specified supervision level. C63-65.

On September 30, 2024, defendant was indicted on the PSMV charge, and arraignment was set for October 15, 2024. C67-69. Defendant failed to appear on October 15, and the circuit court (with respondent now presiding) issued another arrest warrant. C72-73; SR50. When the warrant was executed on November 4, 2024, the arresting officers found suspected heroin in defendant's possession. 2SSR2-3. Defendant was charged with possession of a controlled substance, *see* 720 ILCS 570/402(c), but the People dismissed the charge the same day, R10.

B. The circuit court revokes defendant's pretrial release, declaring the statutory scheme prohibiting revocation for failure to appear unconstitutional as applied to the facts of defendant's case.

On November 7, 2024, the People filed a petition for sanctions based on defendant's failure to appear for court hearings. C79; *see* 725 ILCS 5/110-6(d). At a hearing that day, the People repeated their proffer concerning

defendant's theft of her grandmother's car and defendant's criminal history, adding that defendant now had "multiple failures to appear." R11-13. The circuit court noted that it was familiar with the cycle of missed court hearings and arrest warrants from its review of the docket sheets. R14. Defendant's counsel stated, based on defendant's representations, that defendant missed the October 15 court hearing because she was hospitalized from October 13 to October 28, and that she turned herself in to police after being discharged from the hospital. R10. Counsel further stated that defendant did "not have the [hospital] paperwork on her" at the moment but "could bring the proof of that hospitalization" if she were released. *Id.*[5]

The circuit court found "clear and convincing evidence" that defendant repeatedly "violated [the] conditions of her pretrial release" by failing to appear for court hearings. R17.[6] The court acknowledged defendant's claim that she missed the October 15 hearing because she was hospitalized, stating that it would consider any evidence defendant may have to support that assertion at a future hearing. R19. But the court explained that it had yet "seen [no] evidence that [defendant] was hospitalized" and that, "[e]ven if"

---

[5] The parties later stipulated that the police report of defendant's November 4 arrest contradicted the claim that she had turned herself in. 2SSR13-20.

[6] At a sanctions hearing, the People bear the burden of proving by clear and convincing evidence that the defendant "willfull[y]" "violated a term of [her] pretrial release" and that "the violation was not caused by a lack of access to financial monetary resources." 725 ILCS 5/110-6(e). The circuit court did not make the latter finding.

defendant had been hospitalized "for a few days," she failed to promptly "turn herself in" after leaving the hospital. R17.

Having found that defendant violated a pretrial release condition, the court was authorized to sanction defendant by delivering "a verbal or written admonishment," ordering her "imprisonment . . . for a period not exceeding 30 days," or "modif[ying]" her "pretrial [release] conditions." 725 ILCS 5/110-6(f). Instead of imposing any of these sanctions, however, the court revoked defendant's pretrial release. R14, 17.

The court recognized that, because the People dismissed defendant's charge for possessing a controlled substance, it lacked statutory authority to revoke defendant's pretrial release, R27, which is permitted only when a "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); *see id.* ("If the case that caused the revocation is dismissed . . . the court shall . . . release the defendant."). But the court held that the combined effect of 725 ILCS 5/110-6(a) and 725 ILCS 5/110-6(f), as applied here, prevented the court from "run[ning] [its] courtroom" and "administer[ing] justice" — and thus violated constitutional separation-of-powers principles — because limiting the sanction for defendant's numerous missed court appearances to "a few days in jail" would not adequately ensure that she "come[s] to court" in the future. R14-15.

Defendant moved to reconsider. C87. Without addressing the circuit court's constitutional ruling, defendant argued (among other things) that the order revoking her pretrial release was improper because the People had not sought such relief but had instead petitioned only for sanctions. C87-88. At the hearing on the motion to reconsider, the People stated that they took no position with respect to the propriety of the revocation order. R23. The court indicated that it was "not prepared" to rule on the motion to reconsider because it had been waiting to receive a response from the People on the constitutional question before doing its own "research [to] decide that issue." R24-25. But defendant urged the court to rule so that she could appeal her continuing detention, if necessary. *Id.* The court then denied the motion to reconsider, C89, reiterating that the statutory scheme is unconstitutional as applied because it gave the court no discretion to "stop what's going on and move the case forward" when defendant "constantly does not appear in court no matter what . . . release you give her or what sanction" is imposed, R33-35.

At a subsequent hearing, the court made findings in accordance with Supreme Court Rule 18, including that the revocation and sanctions provisions of 725 ILCS 5/110-6 violate constitutional separation-of-powers principles as applied, that those provisions cannot be construed in a manner that would preserve their constitutionality, and that the decision revoking defendant's pretrial release could not rest on an alternative ground. SSR14-23.

At the same hearing, the People sought leave to file a petition to deny defendant pretrial release under 725 ILCS 5/110-6.1(d)(2), *see* SSR24-26, which allows the People "to file a second or subsequent petition" to deny pretrial release based on "new facts not known or obtainable at the time of the filing of the previous petition," 725 ILCS 5/110-6.1(d)(2). Although the People had not petitioned for detention at defendant's initial appearance, they argued that defendant's subsequent pattern of not appearing for court hearings, which was unknown at the time of the initial appearance, provided "clear and convincing evidence" that defendant poses "a flight risk." SSR25. And the People argued that the filing of a detention petition under 725 ILCS 5/110-6.1(d)(2) would alleviate the court's concerns about its inability to revoke defendant's pretrial release under 725 ILCS 5/110-6(a) and the limited sanctions available under 725 ILCS 5/110-6(f), and thus obviate the need to declare those provisions unconstitutional. SSR26.

The circuit court denied the People's request to file a detention petition under 725 ILCS 5/110-6.1(d)(2), relying on an appellate court decision which held that a petition under that provision may not be "based on noncriminal violations of pretrial release." *People v. Farris*, 2024 IL App (5th) 240745, ¶ 46; *see* SSR67-69. Accordingly, the circuit court reaffirmed that the limits on its authority to detain defendant under 725 ILCS 5/110-6(a) and 725 ILCS 5/110-6(f) were unconstitutional as applied.

STANDARD OF REVIEW

A circuit court's order declaring statutory provisions unconstitutional as applied is reviewed *de novo*. *McElwain v. Office of Illinois Sec'y of State*, 2015 IL 117170, ¶ 11. Likewise, whether the circuit court lacked statutory authority to revoke defendant's pretrial release is a question of law that this Court reviews *de novo*. *See People v. Watkins-Romaine*, 2025 IL 130618, ¶ 25.

ARGUMENT

The circuit court's order revoking defendant's pretrial release should be reversed because it rests on an improper declaration — made without the necessary evidentiary hearing and factfinding — that statutory restrictions on the revocation of pretrial release are unconstitutional as applied to the facts of this case. And because defendant's direct appeal is an adequate vehicle for her challenge to the circuit court's revocation order, her original action and request for supervisory relief should be dismissed.

I. The Circuit Court Improperly Declared Provisions of the Pretrial Release Statute Unconstitutional as Applied.

The pretrial release statute authorizes a court to sanction a defendant for violating a condition of pretrial release by admonishing the defendant, modifying the defendant's release conditions, or jailing the defendant for up to 30 days. 725 ILCS 5/110-6(f). But the statute does not allow a court to revoke a defendant's pretrial release unless the defendant is charged with committing a felony or serious misdemeanor while on pretrial release. 725 ILCS 5/110-6(a).

After defendant repeatedly violated the pretrial release condition that she appear for court hearings, the People petitioned for sanctions under 725 ILCS 5/110-6(f). Without holding an evidentiary hearing to ascertain the circumstances of defendant's missed appearances, the circuit court concluded that revocation of defendant's pretrial release — rather than the imposition of sanctions — was necessary because, in the court's view, no sanction available under 725 ILCS 5/110-6(f) would ensure defendant's appearance in the future. To achieve that result, the court declared that, as applied here, 725 ILCS 5/110-6(a) and 725 ILCS 5/110-6(f) — the provisions authorizing sanctions, but not revocation, when a defendant fails to appear — violate the Illinois Constitution's separation-of-powers clause.

The circuit court's constitutional ruling was improper. As this Court recently held, the pretrial release statute's provisions regulating a circuit court's authority to deny or revoke pretrial release do not violate separation-of-powers principles on their face. *Rowe v. Raoul*, 2023 IL 129248, ¶¶ 43-49. And while *Rowe* does not necessarily foreclose an as-applied challenge to those provisions' constitutionality, this Court's precedent makes clear that a court cannot declare statutory provisions unconstitutional as applied "to the specific facts and circumstances" before it without "develop[ing]" a record "with respect to those facts and circumstances." *People v. Bingham*, 2018 IL 122008, ¶ 22.

Yet the circuit court did just that. It declared that the pretrial release statute's prohibition against revocation made it impossible to ensure defendant's appearance and thus violated the court's inherent authority to manage its courtroom. But the court did so without conducting an evidentiary hearing to determine the circumstances surrounding defendant's missed appearances, and without considering whether, given those circumstances, any statutorily available sanction would suffice to ensure her appearance. The circuit court's constitutional ruling was thus "premature" and "not properly" made. *Id.* (internal quotation marks omitted).

A. The pretrial release statute's revocation and sanctions provisions are facially consistent with separation-of-powers principles.

In *Rowe*, this Court rejected facial constitutional challenges to the pretrial release statute, including a contention that the law offended separation-of-powers principles by prohibiting circuit courts from imposing monetary bail and limiting the circumstances under which they may deny or revoke pretrial release. 2023 IL 129248, ¶¶ 43-49. The Court recognized that for more than 60 years the General Assembly has mandated — without serious challenge — "detailed standards and procedures for . . . courts to utilize in determining how and when a criminal defendant can be detained or should be released from custody prior to trial," and that the present version of the pretrial release statute represents a continuation of that long legislative tradition. *Id.*, ¶ 48.

This Court has explained that our constitution's separation-of-powers clause, Ill. Const., art. II, § 1, "was not designed to achieve a complete divorce among the three branches of . . . government" nor "a division of governmental powers into rigid, mutually exclusive compartments," *In re Derrico G.*, 2014 IL 114463, ¶ 76. Thus, even in areas touching on "the exercise of judicial power," the General Assembly — "as the branch of government charged with the determination of public policy" — has "the concurrent constitutional authority to enact complementary statutes," *People v. Walker*, 119 Ill. 2d 465, 475 (1988). And pursuant to that constitutional authority, "[t]he legislature may enact laws involving judicial practice" without violating separation-of-powers principles so long as it "do[es] not infringe *unduly* upon the judiciary's inherent powers." *Murneigh v. Gainer*, 177 Ill. 2d 287, 303 (1997) (emphasis added); *see Rowe*, 2023 IL 129248, ¶ 49 (explaining that, while "sentencing is exclusively a judicial function," the legislature has concurrent authority to "restrict the exercise of judicial discretion in sentencing, such as by providing for mandatory sentences") (internal quotation marks omitted).

This Court has recognized an inherent judicial authority "to deny or revoke [pretrial release]" in some circumstances, including when there is "proof that an accused will not appear for trial regardless of the amount or conditions of bail." *People ex rel. Hemingway v. Elrod*, 60 Ill. 2d 74, 79-80 (1975). But statutory provisions regulating how and when that authority may be exercised "do not infringe unduly upon the judiciary's inherent

powers," *Murneigh*, 177 Ill. 2d at 303, and are thus a facially appropriate exercise of the legislature's "concurrent constitutional authority" to "determin[e] [the] public policy" guiding pretrial release decisions, *Walker*, 119 Ill. 2d at 475.

In sum, just as the General Assembly "may restrict the exercise of judicial discretion in sentencing," *Rowe*, 2023 IL 129248, ¶ 49, so too may it restrict judicial discretion to detain a defendant pending trial, *see id.*, ¶ 47 (rejecting notion "that bail [is] exclusively a matter for the judiciary").

B. Without an evidentiary hearing and factfinding, there is no basis to declare that the pretrial release statute's revocation and sanctions provisions violate separation-of-powers principles as applied to the facts of defendant's case.

The circuit court's declaration that the pretrial release statute's revocation and sanctions provisions are unconstitutional as applied to the facts in defendant's case is not necessarily foreclosed by this Court's rejection of the facial constitutional challenge in *Rowe*. But the circuit court's declaration was nonetheless improper because the court made it without a developed factual record.

"An as-applied challenge requires a showing that the statute violates the constitution as it applies to the facts and circumstances of" a particular case. *People v. Rizzo*, 2016 IL 118599, ¶ 24. And this Court "has repeatedly held that, because as-applied constitutional challenges are necessarily dependent on the specific facts and circumstances of the case, a court is not capable of making an as-applied determination of unconstitutionality when

there has been no evidentiary hearing and no findings of fact." *People v. Brown*, 2020 IL 124100, ¶ 33 (internal quotation marks omitted). Put differently, in the absence of a "sufficiently developed" record "with respect to th[e] facts and circumstances" of a case, "any finding that a statute is unconstitutional as applied [in that case] is premature." *Bingham*, 2018 IL 122008, ¶ 22 (internal quotation marks omitted).

The circuit court held that the pretrial release statute unduly intruded on its authority to manage its courtroom and ensure that defendant appeared in court by permitting it to impose sanctions — but not to revoke defendant's release — in response to defendant's repeated failure to appear in court. But the court did not conduct an evidentiary hearing or other inquiry to ascertain the facts surrounding defendant's missed appearances before coming to that conclusion. The court did not, for instance, hear from the pretrial services officer who was assigned to "continuously monitor" defendant's "conduct and circumstances" while on pretrial release. 725 ILCS 185/27. Nor did the court take evidence and make findings concerning defendant's assertion that she missed at least one court hearing because she was hospitalized at the time. R10; *see also* R36 (acknowledging that information about defendant's alleged hospitalization "obviously . . . would make a difference" in the court's ruling). And on that virtually nonexistent factual record, the circuit court could not have reliably determined that defendant would "not appear for trial regardless of the . . . conditions of [release]," *Hemingway*, 60 Ill. 2d at 80 —

the load-bearing assumption behind the court's declaration that the statutory restrictions on revoking pretrial release are unconstitutional as applied to the facts here.

The People appreciate the circuit court's well-founded frustration with defendant's repeated failure to appear for hearings, which necessitated numerous arrest warrants and caused considerable delay. The record shows that in the eleven months between the date defendant was charged and the date the court revoked her pretrial release, defendant did not voluntarily appear for a single court hearing. Yet each time defendant was arrested on a bench warrant for failing to appear, the court (though not respondent) promptly released her again with the same minimal conditions. The court was right to recognize that a different approach was warranted. Its error lay in ignoring the numerous options, other than revocation, that the pretrial release statute provided.

In addition to allowing the circuit court to incarcerate defendant for a month (not "a few days," as the court characterized it, R14), the statute also authorized the court to modify defendant's release conditions. 725 ILCS 5/110-6(f). The court could have, for instance, required that defendant report to a pretrial services officer more frequently, 725 ILCS 5/110-10(b)(1), mandated "rehabilitative services . . . tied to the risk of pretrial misconduct" (such as drug treatment), 725 ILCS 5/110-10(b), or placed defendant on "pretrial home supervision . . . with or without . . . electronic monitoring," 725

ILCS 5/110-10(b)(5).[7] Before declaring that the legislatively enacted procedures for responding to pretrial release violations impermissibly interfered with its inherent authority to mange its courtroom, it was incumbent on the circuit court to develop a record of the circumstances surrounding defendant's missed appearances, and determine, in light of that record, whether the statutorily available sanctions would be sufficient to ensure defendant's appearance. *See Rizzo*, 2016 IL 118599, ¶ 48 ("a circuit court contemplating the invalidation of a law enacted by the representatives of the people should proceed with the utmost caution").

In sum, because the circuit court did not hold an evidentiary hearing and make findings concerning the facts and circumstances of defendant's case, it erred in declaring the statutory mechanism for addressing violations of pretrial release conditions unconstitutional as applied. *Bingham*, 2018 IL 122008, ¶ 22. Accordingly, this Court should reverse the circuit court's order revoking defendant's pretrial release and remand for the circuit court to rule on the People's sanctions petition.

II. The Court Should Dismiss Defendant's Original Action Because She Has an Adequate Direct Appeal Remedy.

In addition to appealing from the circuit court's order under Supreme Court Rule 604(h), which allows a defendant to "appeal . . . an order revoking

[7] Given the numerous options available to the circuit court under 725 ILCS 5/110-6(f), this Court need not consider whether, as an alternative, the People could have filed a detention petition under 725 ILCS 5/110-6.1(d)(2) based on defendant's pattern of misconduct while on release.

pretrial release," Ill. S. Ct. R. 604(h)(1)(ii), defendant also challenges the revocation order in a petition for writ of habeas corpus, mandamus, or prohibition, and, as a further alternative, asks this Court to award her relief under its supervisory authority. Def. Br. 44-47. But none of these alternatives is a proper (or necessary) vehicle for defendant's challenge to the order revoking her pretrial release.

Writs of habeas corpus, mandamus, and prohibition "are extraordinary remedies," and "should not be used as a substitute for [an ordinary] appeal." *People ex rel. Foreman v. Nash*, 118 Ill. 2d 90, 96-98 (1987); *see also Round v. Lamb*, 2017 IL 122271, ¶¶ 8, 26. Likewise, this Court generally "will not issue a supervisory order unless the normal appellate process will not afford adequate relief." *People ex rel. Birkett v. Bakalis*, 196 Ill. 2d 510, 513 (2001). Accordingly, because defendant's direct appeal provides an adequate means of challenging the order revoking her pretrial release, this Court should decline her requests to issue an extraordinary writ or exercise its supervisory authority.

CONCLUSION

The Court should reverse the circuit court's order revoking defendant's pretrial release and remand for the circuit court to rule on the People's petition for sanctions. In addition, the Court should dismiss defendant's petition for writ of habeas corpus, mandamus, or prohibition, and decline her request for supervisory relief, given the remedy provided by her direct appeal.

April 4, 2025

Respectfully submitted,

KWAME RAOUL
Attorney General of Illinois

ALEX HEMMER
Deputy Solicitor General

KATHERINE M. DOERSCH
Criminal Appeals Division Chief

ERIC M. LEVIN
Assistant Attorney General
115 South LaSalle Street
Chicago, Illinois 60603
(773) 590-7065
eserve.criminalappeals@ilag.gov

Counsel for Plaintiff Below and Plaintiff-Appellee, People of the State of Illinois

RULE 341(C) CERTIFICATE OF COMPLIANCE

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. 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, and the certificate of service, is 20 pages.

/s/ Eric M. Levin
ERIC M. LEVIN
Assistant Attorney General

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 April 4, 2025, the **Brief of Plaintiff Below and Plaintiff-Appellee People of the State of Illinois** was filed with the Clerk of the Supreme Court of Illinois, using the court's electronic filing system, which provided service of such filing to the email addresses of the persons named below:

Rebecca Aili Cohen
Cook County Public Defender's Office
69 West Washington Street, 15th Floor
Chicago, Illinois 60602
PDPretrialAppeals@cookcountyil.gov
rebecca.cohen@cookcountyil.gov

Alan Spellberg
Law Office of Alan J. Spellberg
2070 Green Bay Road, Unit 105
Highland Park, Illinois 60035
alan@spellberglaw.com

/s/ Eric M. Levin
ERIC M. LEVIN
Assistant Attorney General
eserve.criminalappeals@ilag.gov