No. 131365 (cons. 131506)

IN THE SUPREME COURT OF ILLINOIS

AIMEE STEWART, Petitioner-Appellant, vs. HONORABLE STEVEN J. ROSENBLUM, CIRCUIT COURT OF COOK COUNTY, Respondent, PEOPLE OF THE STATE OF ILLINOIS, Appellee.	)	Complaint for Habeas Corpus or Alternatively a Writ of Mandamus or Prohibition or a Supervisory Order Pursuant to Supreme Court Rules 381 and 383. Appeal Pursuant to Rules 604(h) and 603. Circuit of Cook County, Fifth District No. 24 CR 0970601 Honorable Steven J. Rosenblum, Judge Presiding.

REPLY BRIEF OF PETITIONER-APPELLANT

SHARONE R. MITCHELL, JR.
Public Defender of Cook County
69 West Washington, 15th Floor
Chicago, Illinois 60602
(312) 603-0600
PDPretrialAppeals@cookcountyil.gov

Counsel for Petitioner-Appellant

REBECCA A. COHEN
Assistant Public Defender,
Of Counsel.

ORAL ARGUMENT REQUESTED

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I. The parties agree that Judge Rosenblum lacked the *statutory* authority to indefinitely deny Aimee Stewart pretrial release under the Pretrial Fairness Act on November 7, 2024, and December 12, 2024, and they agree that he continues to lack the statutory authority to deny her pretrial release now.

It is not in dispute that Judge Steven J. Rosenblum acted without statutory authority in indefinitely detaining Aimee Stewart on November 7, 2024, and continuing to detain her at every subsequent court date. Since November 5, 2024, Ms. Stewart has been in custody for 164 days. The parties agree that Judge Rosenblum lacked the statutory authority to detain Ms. Stewart under Section 110-6.1, and that he could not revoke her pretrial release under Section 110-6 of the Pretrial Fairness Act, 725 ILCS 5/110-1, *et seq.* 725 ILCS 5/110-6(a), 6.1(a) (2025); (Op. Br. at 24-31; St. Resp. Br. at 12; 131365 Resp. Br. at 34-35)[1]

The parties also agree that because the State filed a sanctions petition, Judge Rosenblum could have held a sanctions hearing and ordered the maximum sanctions of 30 days in jail under Section 110-6.1(f)(2). 725 ILCS 5/110-6(f)(2) (2025) (Op. Br. at 29-30;St. Resp. Br. At 12; 131365 Resp. Br. at 35-36) And finally, the parties do not dispute that he could not hold Ms. Stewart indefinitely – revoke her pretrial release – based on a sanctions petition. (Op. Br. at 29-30; St. Resp. Br. at 12; 131365 Resp. Br. at 35-36) As a result, Ms. Stewart is currently being detained without statutory authority.

[1] The Response Brief filed on behalf of Respondent the Honorable Steven J. Rosenblum in case number 131365 will be referred to as 131365 Resp. Br. The Response Brief filed on behalf of the State will be referred to as St. Resp. Br.

II. The Pretrial Fairness Act is a legitimate exercise of legislative power and does not improperly infringe on the authority of judges in making detention decisions generally and in Ms. Stewart's case.

A. The parties agree that any facial challenge to the PFA on separation of powers grounds was already decided by this Court's ruling in *Rowe v. Raoul*, 2023 IL 129248, and should be rejected.

Judge Steven Rosenblum argues that "circuit court judges possess the inherent authority to deny pretrial release" and relies largely on this Court's decision in *People ex rel. Hemingway v. Elrod*, 60 Ill. 2d 74 (1975). (131365 Resp. Br. 37) This Court in *Hemingway* recognized some "inherent" judicial authority in the detention context, but also acknowledged the concurrent role of the legislature in balancing the policy considerations applicable to pretrial release decisions.

In *Hemingway*, this Court addressed whether an individual charged with a murder that was no longer a capital offense – because of a recent United States Supreme Court's decision in *Furman v. Georgia*, 408 U.S. 238 (1972) – had a categorical right to bail under the Bail Clause of the Illinois Constitution. *Hemingway*, 60 Ill. 2d at 77; Ill. Const. 1970, Art. I, § 9. The Bail Clause of the Illinois Constitution at that time stated that only defendants charged with capital offenses could be denied bail. *Hemingway*, 60 Ill. 2d at 76. The legislature passed a law following *Furman*, which held that criminal defendants charged with murder could be ineligible for pretrial release regardless of whether it was a capital offense. *Id.* at 77. After he was denied bail under the new law, the defendant challenged it. *Id.* at 76.

This Court in *Hemingway* agreed with the defendant that the statute was inconsistent with the Bail Clause, but nonetheless held that he was not entitled to

pretrial release. *Id.* at 79. It reasoned that "the constitutional right to be bail must be qualified by the authority of the courts, as an incident of their power to manage the conduct of proceedings before them, to deny or revoke bail when such action is appropriate to preserve the orderly process of criminal procedure." *Id.* This Court held that courts could exercise that inherent authority in specific circumstances, including to ensure that "an accused will . . . appear for trial," if the court was "satisfied by the proof that" a defendant would not do so "regardless of the amount or conditions of bail." *Id.* at 80. In holding that courts have inherent authority to detain criminal defendants in specific circumstances, it noted that it was not "adopting the principle of preventive detention of one charged with a criminal offense for the protection of the public." *Id.*

This Court's decision in *Hemingway* did not hold that the legislature could not regulate the circuit court's authority to deny pretrial release. It determined instead that the statute interfered with the Bail Clause of the Illinois Constitution. Nonetheless, this Court in *Hemingway* remanded the case to the circuit court to consider whether the defendant should receive bail given its decision, but also given the ABA Standards Relating to Pretrial Release, and Sections 110-3 (warrants for violations of bail bond conditions), 110-6 (hearings on violations of bail bonds), and 110-10 (conditions of bail) of the Illinois Criminal Code. *Id.* at 82-84, citing 725 ILCS 5/110-3, 110-6, and 110-10 (1975). It concluded that its decision plus those Standards and the Code Sections achieved "an appropriate balance between the right of an accused to be free on bail pending trial and the need of the public to be given necessary protection." *Hemingway*, 60 Ill. 2d at 84. Thus, even under *Hemingway*, any inherent judicial

authority related to pretrial release is nonetheless subject to legislative limits.

Indeed, the State agreed in its response brief, stating:

> statutory provisions regulating how and when [judicial] authority may be exercised 'do not infringe upon the judiciary's inherent powers,' *Murneigh [v. Gainer*, 177 Ill. 2d, 287, 303 (1997)], and are thus a facially appropriate exercise of the legislature's 'concurrent constitutional authority' to 'determine the public policy' guiding pretrial release conditions, [*People v. Walker*, 119 Ill. 2d 465, 475 (1988).]

(St. Resp. Br. at 13-14)

As discussed in the opening brief, in reviewing the constitutionality of the PFA under separation of powers concerns, this Court in *Rowe v. Raoul*, 2023 IL 129248, addressed *Hemingway* and whether "the authority to deny or revoke bail to preserve the orderly process of criminal procedure is an administrative matter inherently entrusted solely to the courts." (Op. Br. at 36-37); 2023 IL 129248, ¶ 44. This Court rejected a facial challenge to the PFA and found it did not unduly infringe on the inherent authority of judges to detain criminal defendants pending trial. (Op. Br. at 36-37); *Rowe*, 2023 IL 129248, ¶¶47-49. It noted that this Court in *Hemingway* "would not have quoted those statutory provisions" "[i]f we believed that bail was exclusively a matter for the judiciary." *Id.*, ¶ 47.

Counsel for Judge Rosenblum does not argue in his brief on appeal that *Rowe* was wrongly decided. He merely argues that "*Rowe* does not control" in this case because his finding of unconstitutionality was as applied and not facial. (131365 Resp. Br. at 42) He also does not address Ms. Stewart's arguments that Judge Rosenblum had found the statute facially unconstitutional. Therefore, to the extent that Judge Rosenblum made a facial challenge to Section 110-6 of the PFA by raising issues

unrelated to the facts of this case, such as extradition, and asking for guidance for all the judges in the state, this Court should follow its prior decision in *Rowe* and uphold the constitutionality of the PFA.

B. Judge Rosenblum's findings that the PFA was unconstitutional as applied to Aimee Stewart were incorrect where he immediately detained her at her first court appearance before him and did not utilize the remedies that exist within the PFA, including sanctions proceedings and other pretrial release conditions.

Judge Steven J. Rosenblum ordered Aimee Stewart detained since November 7, 2024, finding that Section 110-6 of the PFA, which did not permit him to *sua sponte* revoke Ms. Stewart's pretrial release based only on her failures to appear, interferes with his inherent judicial authority to control his courtroom and to bring a case to justice and is thus unconstitutional. Judge Rosenblum's argument is that to control his docket, Ms. Stewart must be denied pretrial release because otherwise she will not show up to court. Counsel for Judge Rosenblum argues that because this Court's holding in *Rowe* that the PFA is constitutional on separation of powers grounds is limited to facial challenges to the PFA, this Court should instead rely on *People v. Flores*, 104 Ill. 2d 40 (1984), to support Judge Rosenblum's reasoning that the statute is unconstitutional as applied to the circumstances of this case. (131365 Resp. Br. at 42-43) But *Rowe* is relevant to Judge Rosenblum's findings that the PFA is unconstitutional as applied to this case given its ruling about the nature of judicial authority in the pretrial release context. Moreover, *Flores* is distinguishable. Ultimately, Judge Rosenblum had many other mechanisms to address Ms. Stewart's failures to appear and he did not use any of them before declaring the statute unconstitutional as applied. This was error and resulted in Ms. Stewart's illegal

detention.

This Court in *Rowe* concluded that "the legislature has long regulated the bail system." *Rowe,* 2023 IL 129248, ¶ 48. As noted in the opening brief, this Court in *Rowe* reviewed the numerous changes that the legislature has made to Section 110 in the 60 years since the passage of the Criminal Code in 1963, including "a dizzying array of more than 100 factors that a court 'shall' consider in 'determining the amount of monetary bond or conditions of release.'" (Op. Br. 37); *Id.*, citing 725 ILCS 5/110-5(a) (2020). It concluded, "[i]f the legislature could reconsider bail over the course of so many years, it could do so again in 2021 without offending separation of powers principles." *Rowe,* 2023 IL 129248, ¶ 48. Moreover, "the substance of the amendment is irrelevant." *Id.*

Rowe therefore determined that pretrial release decisions, like mandatory sentences, are made by judges, but may be constrained by the legislature. *Id.*, ¶ 49; cf. *Murneigh v. Gainer*, 177 Ill. 2d 287, 303 (1997) (noting "contempt is inherent in the judiciary and vital to its authority" and "other branches of government may not require judges to exercise their discretionary authority to punish for contempt"). Under *Rowe*, the legislature could therefore determine that failures to appear alone could not serve as a basis to revoke pretrial release under the PFA, especially given the rest of the PFA's framework for pretrial release, which is primarily concerned with safety, an issue that is not present here.

In contrast, *Flores* concerned a statute requiring a judge to enter and continue a trial for two days if a defendant willfully absents himself. In *Flores*, a criminal defendant absconded in the morning on the second day of a jury trial after a jury had

been impaneled and had heard the State's entire case. *Flores*, 104 Ill. 2d at 43-44. A statute stated, "[i]n any criminal trial, where a defendant after his trial commences willfully absents himself from for court a period of two days, the court *shall* proceed with trial." *Id.* at 46, citing 725 ILCS 5/115-4.1 (1977). The circuit court concluded that the statute was "an unconstitutional intrusion of the legislature into the trial authority and rulemaking authority of the courts." *Flores*, 104 Ill. 2d at 44. The circuit court continued the trial in the afternoon, and the jury convicted the defendant that day. *Id.* at 45. The defendant appeared in court more than four years later at a hearing on his post-trial motion and was then sentenced. *Id.* The defendant appealed his conviction and sentence directly to this Court under Rule 603 because the circuit court had declared the statute unconstitutional. *Id.*

This Court held in *Flores* that *if* the statute is mandatory – meaning a judge must wait two days to continue a trial – then "it unduly infringes upon the inherent authority of the judiciary." *Id.* at 48. In particular, the statute interferes with "a trial judge's authority to control his docket." *Id.* at 49. A judge cannot plan if a defendant chooses to walk out in the middle of a trial and it could cause "complete disruption of the court's docket." *Id.* at 50. "A defendant should not benefit from his own defiance of the criminal justice system." *Id.* As a result, this Court concluded that the statute was permissive rather than mandatory. *Id.* Because the statute was permissive, this Court concluded that the circuit court did not violate it when it continued the trial on the same day instead of waiting the two days. *Id.*

Counsel for Judge Rosenblum argues that *Flores* was an as-applied challenge to a statute on separation of powers grounds, just like in this case. (131365 Resp. Br.

at 43) But that is incorrect. In *Flores*, this Court addressed whether the statute unconstitutionally infringed on the judiciary's authority to control its docket and concluded that it did if it was mandatory. It interpreted the statute to be permissive rather than mandatory to avoid the separation of powers problem. There is no indication that its holding was as applied or limited to the facts of that case.

Counsel for Judge Rosenblum further contends that like in *Flores*, Ms. Stewart's "defiance of court orders" and pretrial release conditions brought "disruption" "to the courthouse." (131365 Resp. Br. at 43) This comparison fails. There is no evidence that Ms. Stewart in any way disrupted the court proceedings. Criminal defendants regularly do not appear for court hearings, and there are specific procedures to deal with failures to appear, including issuing a warrant for the person's arrest. Ms. Stewart missed one court date in Judge Rosenblum's courtroom on October 15, 2024, and a warrant was issued that day for her failure to appear. The half-page transcript from October 15, 2024, demonstrates that the issuance of warrants is routine and belies the claim that Ms. Stewart's failure to appear was disruptive. (SR. 50)

In contrast, in *Flores*, the disappearance of the defendant in the middle of a jury trial was disruptive. On the first day of trial, the court had impaneled a jury, and the jury heard the testimony of four witnesses for the State and the State's entire case. *Id.* at 42-43. The court denied the defense motion for directed finding and the parties had a jury instructions conference. *Id.* at 43. On the second day, the defendant did not appear. The circuit court refused to adjourn the proceedings on Thursday and ask the jury to come back on the following Monday pursuant to the statute, concluding to do

so would "serve neither the ends of justice nor the protection of the defendant." *Id.* at 44.

In this case, unlike in *Flores*, there has been no trial date, no jury has been impaneled, and no evidence had been taken. Ms. Stewart missed several court dates while the case was in the preliminary hearing courtroom, and the State still indicted her. Therefore, her absence did not prevent the case from proceeding forward. In Judge Rosenblum's courtroom, Ms. Stewart missed a court date on October 15, 2024, and then appeared in court on November 7, 2024. Counsel for Judge Rosenblum further argues that because Ms. Stewart did not "voluntarily" come to court, "no judge could predict if she would actually appear for trial" and she would inconvenience the victim, the witnesses, the attorneys as well as the judge and other courtroom personnel if she was not detained. (131365 Resp. Br. at 44) These concerns are premature. November 7, 2024, was the first court date where Ms. Stewart appeared before Judge Rosenblum. Arraignment occurred on that date. (SR. 53) Ms. Stewart entered a plea of not guilty and was advised of trial *in abstentia*. (SR. 53-54) Motions for discovery were filed. (SR. 53) The case had not been set for trial, and no witnesses had been ordered to appear. The disruption in *Flores* is unusual and very different from missed pretrial court dates, a regular occurrence in the circuit courts and not a "disruption" to the courthouse.

Missed court dates often occur as part of the criminal justice system. They are so common that the legislature planned for their occurrence and why the PFA has procedures in place to specifically address them, including. 725 ILCS 5/110-6(c), (f) (2024); *People v. Barner*, 2023 IL App (1st) 232147, ¶ 21 (concluding "[t]hough the

State may not seek *revocation* for a defendant's failure to appear in court, the State may seek, and the court may enter, *sanctions* against a defendant for failure to appear"). Counsel for Judge Rosenblum argues that sanctions would not work because "[s]anctioning a non-compliant defendant like petitioner by detaining her for 30 days (or possibly just 15 days) would not solve this problem[.]" (131365 Resp. Br. at 44)

This argument is speculative. No one knows whether sanctions would be effective in getting Ms. Stewart to come to court because sanctions have never been ordered in this case. While Ms. Stewart missed many court dates, the State never filed a sanctions petition until November 7, 2025. On that date, Judge Rosenblum ordered her "detained." (SR. 31, 61-62) Moreover, at the very least, multiple status dates could be set while she is in jail serving her sanctions term to move the case along.

Counsel for Judge Rosenblum further contends that alternative pretrial release conditions such as electronic monitoring, GPS tracking, home confinement, or other conditions would not be effective alternatives to detention because "they cannot ensure that the defendant will actually come to court as required." (131365 Resp. Br. at 47-48) He argues that the only thing to ensure that Ms. Stewart will come to court is detention. But, again, this is speculative because it was never tested.

Ms. Stewart's previous conditions of pretrial release were level 1 pretrial services monitoring (the lowest) and limiting contact with the complaining witness to telephone only. (SR. 11-12) There is no evidence in the record that Ms. Stewart violated either of those conditions. Ms. Stewart was never ordered on EM, GPS monitoring, or home confinement. The State suggests that Judge Rosenblum consider other conditions of pretrial release such as: more frequent reporting to pretrial

services, drug treatment, and EM. (St. Resp. Br. at 17-18) Because Ms. Stewart was never ordered on these release conditions, it is unclear whether they would help her appear in court. The sanctions procedures in the PFA allows a court to alter a defendant's pretrial release conditions, 725 ILCS 5/110-6(f)(4), (g) (2024), and the Statute itself gives judges discretion to order a wide array of pretrial release conditions "to ensure the defendant's appearance in court[,]" 725 ILCS 5/110-10(b) (2024). Judge Rosenblum ignored these provisions, instead declared the statute unconstitutional, and ordered that Ms. Stewart must be detained. In short, he did not try anything actually available to him and determined that he was out of options.

Counsel for Judge Rosenblum does not acknowledge the strong presumption that statutes are constitutional and that circuit courts should not compromise the stability in an area of law by declaring legislation unconstitutional when the case does not require it. (Op. Br. at 34); *People v. Rizzo*, 2016 IL 118599, ¶ 23; *People v. Cornelius*, 213 Ill. 2d 178, 189 (2004), citing *Hearne v. Illinois State Board of Education*, 185 Ill. 2d 443, 454 (1999). He instead rejects all alternative suggestions made by the petitioner to finding the statute unconstitutional. First, he argues that an *in abstentia* trial is not an adequate alternative because trials *in abstentia* are not favored and the defendant has a duty to be present. (131365 Resp Br. at 46) But finding a statute unconstitutional is more disfavored and holding Ms. Stewart without statutory authority is also anathema to due process. But Judge Rosenblum did both of those things. Moreover, trials *in abstentia* do occur and a statute exists delineating the procedures for those trials. See 725 ILCS 5/115-4.1 (2024). In fact, the trial date for a trial *in abstentia* can be set without the appearance of a defendant if the clerk sends

notice of the trial date by certified mail to the defendant's last known address. *Id.* Another statute requires judges to give *in absentia* warnings when a criminal defendant enters a plea of not guilty. 725 ILCS 5/113-4(e) (2024) (the court shall advise a defendant that his failure to appear "would constitute a waiver of his right to confront the witnesses against him and trial could proceed in his absence"). Judge Rosenblum gave that warning to Ms. Stewart on November 7, 2024, when she was arraigned. (SR. 54) The *in abstentia* statute makes clear that many aspects of a criminal case can occur without the presence of the defendant.

Counsel for Judge Rosenblum also rejects direct and indirect criminal contempt as alternatives to declaring the statute unconstitutional. (131365 Resp. Br. at 46-47) He concludes "initiating contempt proceedings against petitioner would simply add one more case to Respondent's docket without helping him bring the original PSMV case to an expeditious resolution." (131365 Resp. Br. at 47) Initiating criminal contempt procedures is an alternative mechanism for addressing Ms. Stewart's failures to appear that could result in a serious consequence for her: an additional criminal conviction. Declaring the statute unconstitutional also created significant amounts of work for Judge Rosenblum (and this Court) including notifying the Attorney General's Office that he declared the statute unconstitutional and multiple long court hearings to address his findings and correct/refine the content of his "ruling."

The State agrees with Ms. Stewart that Judge Rosenblum's finding that the PFA is unconstitutional as applied was without any basis because he "did not hold an evidentiary hearing and make findings concerning the facts and circumstances of

defendant's case." (St. Resp. Br. at 16-18; Op. Br. 38-39) While there was no reason to declare the statute unconstitutional where Judge Rosenblum did not attempt to avail himself of the remedies in the PFA itself, such as sanctions or other pretrial release conditions, it is also correct that Judge Rosenblum also did not hold an evidentiary hearing before declaring the statute unconstitutional as applied to Ms. Stewart. (SR. 60-61) He did not take testimony. He did not attempt to ascertain the facts surrounding Ms. Stewart's missed court hearings, including her hospitalizations. He did not even ascertain the facts surrounding whether Ms. Stewart turned herself in to the police for her arrest on November 5, 2024. While he said he would look at any hospital records Ms. Stewart produces, he did that *after* he had indefinitely detained her and *after* he had declared the statute unconstitutional as applied to her. (SR. 61)

The State's requested remedy is "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." (St. Resp. Br. at 18) Ms. Stewart partially agrees with this disposition. Ms. Stewart has been in custody for 164 days, much more than the 30-day maximum for sanctions. As a result, if this Court agrees that Judge Rosenblum's finding of unconstitutionality was erroneous, she cannot be ordered to serve more jail time for the sanctions. See *Barner*, 2023 IL App (1st) 232147, ¶ 24. The remedy should be that the order detaining Ms. Stewart is reversed, and the case is remanded for a new sanctions hearing at which no jail time can be ordered but additional pretrial release conditions can be added. 725 ILCS 5/110-6(f)(4), (g) (2025).

Judge Steven Rosenblum declared the PFA unconstitutional as applied to

Aimee Stewart and used that declaration to disregard the pretrial release procedures and the remedies available within the PFA. Allowing judges to use their inherent judicial authority to ignore statutes undermines the goals of the PFA to create a fairer detention system. If other judges throughout the State can similarly declare the PFA unconstitutional as applied to the criminal defendants before them, the result would be chaos, disparate treatment, and more pretrial detention. In this case, Ms. Stewart only missed court dates. There was no evidence that she was a danger to anyone or that she was committing other crimes that the State wanted to pursue. Ms. Stewart's failures to appear could have been directly addressed by the sanctions procedures in the PFA and did not require her to be indefinitely detained. In enacting the PFA, the legislature balanced the policy considerations and determined that at most 30 days in jail should be the penalty for missing a court date. It is not the role of judges to rebalance those policy considerations because they think missing court dates is more serious than the legislature does. See, e.g., *People v. Atterberry*, 2023 IL App (4th) 231038, ¶ 16 (reversing a trial court who questioned the PFA, noting "[t]he wisdom of legislation is never a concern for the judiciary").

III. This Court should address what the proper and most timely avenue is for raising Aimee Stewart's claim that she is being illegally denied pretrial release.

Starting on November 7, 2024, Aimee Stewart was illegally denied pretrial release, and she continues to be illegally in pretrial detention. She pursued an appeal of her pretrial detention under Rule 604(h) to the First District Appellate Court by first filing a Motion to Reconsider the Denial of Pre-trial Release and then filing a notice of appeal on December 18, 2024. (SR. 34-35, 38-39) From

that date, the appellate court had 100 days to resolve the case. Ill. S. Ct. R. 604(h)(8). The Motion to Reconsider (otherwise known as a motion for relief), however, did not raise all the issues raised in this appeal and did not mention Judge Rosenblum's finding that the statute was unconstitutional. (Op. Br. 32-33; SR. 34-35); Ill. S. Ct. R. 604(h)(2) ("On appeal, any issue not raised in the motion for relief, other than errors occurring for the first time at the hearing on the motion for relief, shall be deemed waived). Hoping for a speedier resolution and fearing that some claims might be foreclosed by Rule 604(h)(2), counsel for Ms. Stewart filed a motion for leave to file a Complaint for *Habeas Corpus*, or alternatively a *Writ* of *Mandamus* or *Prohibition* in this Court on December 27, 2024, arguing that Ms. Stewart was being illegally denied pretrial release. This Court allowed Ms. Stewart's motion on January 10, 2025, in *Stewart v. Rosenblum*, case number 131365, and ordered briefing. The Rule 604(h) appeal also eventually made it to this Court as well under case number 131506. The two appeals are now consolidated.

Counsel for Judge Rosenblum argues that Judge Rosenblum's actions were "fully authorized by Illinois law and were warranted by the extreme nature of petitioner's conduct." (131365 Resp. Br. at 48) As a result, counsel argues, Ms. Stewart is not entitled to extraordinary relief in the form of *habeas corpus*, *mandamus*, prohibition, or supervisory order. As discussed above, this is incorrect. See Issues I and II. Judge Rosenblum's actions were not authorized, and Ms. Stewart is being illegally detained.

In contrast, the State contends that Ms. Stewart has an adequate appeal remedy under Rule 604(h) and as a result does not require the extraordinary

relief requested in the original action. (St. Br. at 18-19) The State does not address whether the 604(h)(2) waiver rule in any way affects Ms. Stewart's claims in her Rule 604(h) appeal or whether her arguments related to second-prong plain error or ineffective assistance of counsel help cure those defects.

Ms. Stewart should be entitled to relief from her illegal detention. Ill. Const. 1970, Art. I, § 12. This Court should provide guidance on the proper mechanism for obtaining that relief.

CONCLUSION

Respondent Judge Steven J. Rosenblum had no authority to revoke petitioner-appellant Aimee Stewart's pretrial release or to detain her on November 7, 2024, and again on December 12, 2024, under the Pretrial Fairness Act (PFA), 725 ILCS 5/110-1, *et seq.*, where she only missed court dates. Moreover, Judge Rosenblum is incorrect that Section 110-6 of the PFA is unconstitutional as applied to Ms. Stewart because it violates separation-of-powers principles where Judge Rosenblum did not adequately consider the remedies in the PFA or alternatives to declaring the statute unconstitutional.

Petitioner-appellant Aimee Stewart respectfully requests that this Honorable Court reverse the circuit's court orders denying her pretrial release in appeal number 131506 or grant her Complaint for *Habeas Corpus*, issue *writs* of *Mandamus* or *Prohibition*, or a supervisory order in number 131365.

Respectfully submitted,

Sharone R. Mitchell, Jr.
Cook County Public Defender

By: */s/ Rebecca A. Cohen*
Rebecca A. Cohen
Assistant Public Defender

Law Office of the Cook County Public Defender
Attorney for Petitioner
69 West Washington Street, 15th Floor
Chicago, IL 60602
312-603-0600
pdpretrialappeals@cookcountyil.gov

CERTIFICATE OF COMPLIANCE

I certify that this reply 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) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the petition under Rule 342(a), is _17_ pages.

/s/Rebecca A. Cohen
REBECCA A. COHEN
Assistant Public Defender,
Of Counsel.

SHARONE R. MITCHELL, JR.
Cook County Public Defender
69 W. Washington, 15th Floor
Chicago, IL 60602
(312) 603-0600
pdpretrialappeals@cookcountyil.gov

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NOTICE OF FILING AND PROOF OF SERVICE

To: Eileen O'Neill-Burke, State's Attorney, 309 Daley Center, Chicago, IL 60602
email: eserve.criminalappeals@cookcountyil.gov

Kwame Raoul, Attorney General, 100 W. Randolph, 12th Floor, Chicago IL 60601 email: eserve.criminalappeals@ilag.gov; Katherine.Doersch@ilag.gov

Alan Spellberg, Special Assistant Attorney General, Law Office of Alan J. Spellberg, 2070 Green Bay Road, Unit 105, Highland Park, IL 60035
Email: Alan@Spellberglaw.com

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 18, 2025, this Reply Brief of Petitioner-Appellant 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, people named above with identified email addresses will be served using the Court's electronic filing.

SHARONE R. MITCHELL, JR.
Public Defender of Cook County
Counsel for Petitioner

By: */s/Rebecca A. Cohen*
REBECCA A. COHEN
Assistant Public Defender