

REVOCACTION OF PRE-TRIAL RELEASE

725 ILCS 5/110-6

1. When a defendant has previously been granted pretrial release for a felony or Class A misdemeanor, that pretrial release may be revoked only if the defendant is charged with a felony or Class A misdemeanor that is alleged to have occurred during the defendant's pretrial release.
 2. The court shall consider all relevant circumstances, including, but not limited to, **the nature and seriousness of the violation** or criminal act alleged.
 3. The State shall bear the burden of proving, by **clear and convincing evidence**, that no condition or combination of conditions of release would reasonably ensure the appearance of the defendant for later hearings or prevent the defendant from being charged with a subsequent felony or Class A misdemeanor.
 4. The trial court should provide a written or verbal explanation as to why less restrictive conditions would not mitigate the threat posed by defendant.
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IF THE COURT REVOKES PTR

The Court has considered the evidence and arguments of counsel, the State's Petition, the presumption of Pretrial Release, and the available conditions of Pretrial Release. The Court finds by clear and convincing evidence that the proof is evident and the presumption great that the defendant has committed a qualifying offense. That based upon the nature and circumstances of the offense as well as the defendant's history, character and condition, the defendant poses a real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case.

This Court specifically adopts and incorporates the State's reasoning, and therefore, based upon the evidence produced and enunciated by the State, no condition or combination of conditions set forth in the Safe-T Act can mitigate the real and present threat to the safety of any person or persons or the community -- based on the specific articulable facts of the case. Therefore, the State's Petition to Revoke Pre-Trial Release is granted.

IF THE COURT DOESN'T REVOKE PTR

The court has considered all relevant circumstances, including, but not limited to, the nature and seriousness of the violation or criminal act alleged. The Court has also considered the arguments of counsel, the State's Petition, the presumption of Pre-trial Release, and the available conditions of Pretrial Release. However, the Court finds that, based upon the evidence produced and enunciated by the State and Defense, that there are conditions of release that would reasonably ensure the appearance of the defendant for later hearings or prevent the defendant from being charged with a subsequent felony or Class A misdemeanor. Therefore, the Court denies the State's Petition to revoke the defendant's Pre-trial Release.

APPEAL

You have the right to file a motion for relief from the court's order under Supreme Court Rule 604(h). The court will revisit the order of detention or the condition of pretrial release at each subsequent court appearance, regardless of whether a motion for relief is filed. Upon a subsequent 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.