

SUBSEQUENT FINDING AT EACH COURT DATE

IF DEFENDANT IS DETAINED

The Court finds that continued detention is necessary to avoid 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. (or to prevent the defendant's willful flight from prosecution.)

725 ILCS 5/110-6.1 (i-5)

IF DEFENDANT IS IN CUSTODY DUE TO A REVOCATION OF PRE-TRIAL RELEASE

The Court finds that continued detention is necessary to reasonably ensure the appearance of the defendant for later hearings or to prevent the defendant from being charged with a subsequent felony or Class A misdemeanor.

725 ILCS 5/110-6 (j)

IF DEFENDANT IS ON PRE-TRIAL RELEASE

The Court finds that the current conditions imposed are necessary to reasonably ensure the appearance of the defendant as required, the safety of any other person, and the compliance of the defendant with all the conditions of pretrial release.

(The court is not required to be presented with new information or a change in circumstance to remove pretrial conditions.)

725 ILCS 5/110-5 (f-5)

IF DEFENDANT IS GRANTED PRE-TRIAL RELEASE

The Court finds that there are conditions set forth in the Safe-T Act that 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 Court will order the Defendant released on Pre-Trial Release.

725 ILCS 5/110-6.1(e)

APPEAL RIGHTS

Note: S.Ct. Rule 605(d)(1) states that “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.

Appeal Rights are required “In all cases in which an order is issued imposing conditions of pretrial release, granting the State's petition to deny pretrial release, or revoking a defendant's pretrial release under article 110 of the Code of Criminal Procedure of 1963.”

It may be that if the Court doesn't modify the status quo, that Appeal Rights are not necessary.

APPEAL RIGHTS IF TERMS ARE CHANGED DURING “REVISIT”

You have a right to file a motion for relief from the court's order. Also, 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. S.Ct Rule 605(d)(1)

APPEAL RIGHTS DENIAL OF MOTION FOR RELIEF {S.Ct. Rule (h)(2)}

You have a right to appeal at any time before conviction and, if indigent, to be furnished, without cost, with a transcript or audiovisual communication or other electronic recording of the proceedings of the hearing;

If you are indigent, you have the right to have counsel appointed on appeal. S.Ct Rule 605 (d)(2)