

**In the Circuit Court of the Seventeenth Judicial Circuit
Winnebago County, Illinois**

CC-372 V1

People of the State of Illinois,

Plaintiff,

vs.

Case No(s). _____

FILE STAMP

_____,
Defendant.

DETENTION or RELEASE ORDER
(State filing Petition to Deny Pretrial Release – for use on date hearing held)

At Initial Court Appearance:

- The Court finds probable cause pursuant to *Gerstein v. Pugh*, 420 U.S. 103 (1975).
- Foreign national admonishment given in open court pursuant to 725 ILCS 5/109-1(d).

The Court held a hearing on the State's Petition to Deny Pretrial Release *instanter* **within 24 hours of initial court appearance (for Class A or Class 4 felony)** **within 48 hours of initial court appearance (for a Class 3 felony or above)** **at a later date requested by the defendant; AND:**

Release From Custody Order

For the reasons stated on the record, the Court DOES NOT find that the **dangerousness** **willful flight** standard for detention has been met by clear and convincing evidence.

Detention Order (check appropriate box below)

[DANGEROUSNESS STANDARD] The Court DOES find by clear and convincing evidence that:

- A. The proof is evident or the presumption great that defendant has committed a detainable offense pursuant to 725 ILCS 5/110-6.1(a)(1-7); AND
- B. The defendant poses a real and present threat to the safety of any person(s) or to the community; AND
- C. No condition or combination of conditions set forth in 725 ILCS 5/110-10(b) can mitigate the real and present threat to the safety of any person(s) or to the community.

[DANGEROUSNESS STANDARD FOR STALKING OR AGGRAVATED STALKING CASES ONLY pursuant to 725 ILCS 5/110-6.1(a)(2)] The Court DOES find by clear and convincing evidence that:

- A. The proof is evident or the presumption great that defendant has committed the offense of stalking or aggravated stalking, detainable offenses pursuant to 725 ILCS 5/110-6.1(a)(2); AND
- B. The defendant poses a real and present threat to the safety of a victim; AND
- C. Denial of release is necessary to prevent the fulfillment of the threat upon which the charge is based.

[DETENTION STANDARD FOR NON-PROBATIONABLE DELIVERY OR PWID DRUG OFFENSES IN DRUG FREE ZONE CHARGED UNDER 720 ILCS 570/407(b) ONLY pursuant to 725 ILCS 5/110-6.1(e)(4)] The Court DOES find by clear and convincing evidence that:

- A. The proof is evident or the presumption great that defendant has committed a non-probationable offense of delivery or possession with intent to deliver a controlled substance within a drug free zone; AND
- B. The defendant poses a real and present threat to the safety of any person(s) or to the community; AND
- C. No condition or combination of conditions set forth in 725 ILCS 5/110-10(b) can mitigate the real and present threat to the safety of any person(s) or to the community; AND
- D. The defendant poses a serious risk to not appear in court as required.

[WILLFUL FLIGHT STANDARD] The Court DOES find by clear and convincing evidence that:

- A. The proof is evident or the presumption great that the defendant has committed a Class 3 or greater felony or a felony detainable offense pursuant to 725 ILCS 5/110-6.1(a)(1-7);
- B. The defendant has a high likelihood of willful flight to avoid prosecution; AND
- C. No condition or combination of conditions set forth in 725 ILCS 5/110-10(b) can mitigate the risk of willful flight.

If Detention Is Ordered:

[All cases] Summary of the allegations which, if supported by credible evidence at trial, could support a finding that the defendant committed a detainable offense:

[Dangerousness Standard] The basis for the Court's finding that the defendant poses a real and present threat and why less restrictive conditions would not avoid that threat, based on the specific articulable facts of the case:

[Willful Flight Standard] The basis for the Court's finding that the defendant poses a high likelihood of willful flight and why less restrictive conditions would not prevent the defendant's willful flight is summarized as follows:

While in custody, Defendant shall have no contact with _____.

NEXT COURT APPEARANCE

Writ of Habeas Corpus *Ad Prosequendum/Testificandum* is issued to the Winnebago County Sheriff/Agent for the U.S. Marshall to secure the above-named defendant for arraignment status jury status/jury trial Other _____

WHEN: The defendant shall appear in person virtually on _____ at _____ AM/PM and _____ at _____ AM/PM.

WHERE: Winnebago County Courthouse, 400 W. State St. Rockford, IL Courtroom _____.

Criminal Justice Center, 650 W. State St., Rockford, IL Courtroom _____.

THEREFORE, it is the order of this court that the defendant shall be released from custody on pretrial release with the conditions set forth in the Conditions of Pretrial Release Order.

THEREFORE, it is the order of this court that the defendant shall be, at least temporarily, committed to the custody of the Sheriff for confinement in the county jail pending trial. While in custody, the defendant shall be given reasonable opportunity for private consultation with counsel, and for communication with others of his or her choice by visitation, mail and telephone. Further, the Sheriff shall deliver defendant as required for future court appearances.

DATED: _____

ENTERED: _____
Judge