

May 30, 2025

No. 1-25-0406B

NOTICE: This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the Circuit Court
)	of Cook County.
Plaintiff-Appellee,)	
)	
v.)	No. 24 CR 11750
)	
MARQUELL ANDERSON,)	Honorable
)	Alfredo Maldonado,
Defendant-Appellant.)	Judge, presiding.

JUSTICE C.A. WALKER delivered the judgment of the court.
Presiding Justice Tailor and Justice Gamrath concurred in the judgment.

ORDER

¶ 1 **Held:** We affirm the circuit court's order revoking appellant's pretrial release because he failed to state the grounds for relief in his motion.

¶ 2 Defendant Marquell Anderson appeals from the circuit court’s grant of the State’s petition to revoke his pretrial release with conditions pursuant to the Pretrial Fairness Act (Act). 725 ILCS 5/110-6 (West 2022). We affirm because Anderson violated Illinois Supreme Court Rule 604(h)(2) (eff. Apr. 15, 2024) by failing to state the grounds for relief in his mandatory motion.

¶ 3 BACKGROUND

¶ 4 Anderson was arrested on October 22, 2024, for aggravated battery of a peace officer. He was granted pretrial release with electronic monitoring (EM), but was taken back into custody shortly after his release because he was “unhoused” and unable to find a facility to which he could be released with EM. On November 24, 2024, while still in custody at “Division 6” of the “Cook County Department of Corrections” though awaiting pretrial release, he was charged with aggravated battery for an incident that occurred in the jail (case No. 25 CR 1060).

¶ 5 The State filed a petition for revocation of pretrial release on February 3, 2025, which the circuit court granted in a written order also entered on February 3. During in-court proceedings that day, the State’s attorney proffered regarding the November 24 incident:

“[The incident] occurred in Division 6 here at the Cook County Department of Corrections. Officers in full uniform were escorting the defendant from—to the dispensary to receive medical attention at which point the defendant began threatening staff, refused to walk, would not comply with orders. Ultimately, backup had to be called. The defendant continued to not comply. And then during this incident, Officer Rajon ended up on the ground where the defendant bit that officer’s right middle finger.”

¶ 6 Defense counsel argued that the circuit court should not revoke EM so Anderson could find “another sober living facility to live in.” He asked the court to keep “[EM] on the first case and giv[e] him [EM] on the second.”

¶ 7 The circuit court responded,

“Well, the question for the petition is whether or not there are any conditions that would prevent the defendant from being arrested for a new Class A misdemeanor or felony offense. Based on what I have heard here, I don’t find by the clear and convincing standard that there are any combination of conditions that would prevent him from being arrested. Before even being placed out on electronic monitoring he was charged with new criminal conduct—alleged new criminal conduct while in custody. The State’s petition for revocation will be granted.”

¶ 8 On February 24, 2025, Anderson filed his motion for relief, alleging in support “Defendant should have been given [EM].” The motion continued, “the State failed to meet its burden by clear and convincing evidence that the Defendant poses a real and present threat to the safety of the community,” without elaboration. Finally, the motion stated, “the State failed to meet its burden of proving by clear and convincing evidence that only detention 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,” with the lone support of “Mr. Anderson is not alleged to have committed another crime while previously released on [EM].”

¶ 9 During the hearing on the motion for relief, defense counsel stated he filed “two petitions for relief,” one in each case. He continued, “So, your Honor, I filed a written motion on both cases. I am resting on that motion.” The circuit court denied the motions.

¶ 10 This appeal followed.

¶ 11 JURISDICTION

¶ 12 The circuit court denied Anderson’s motion for relief on February 24, 2025, and Anderson filed his notice of appeal that same day. Accordingly, absent any indication Anderson has been

convicted of his current charges, this court has jurisdiction pursuant to Illinois Supreme Court Rule 604 (h)(2), (3) (eff. Apr. 15, 2024) and section 110-6(a) of the Act (725 ILCS 5/110-6(a) (West 2022)).

¶ 13

ANALYSIS

¶ 14 On appeal, Anderson claims generally that the circuit court erred by revoking his pretrial release. Under the Act, “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 after a hearing on the court’s own motion or upon the filing of a verified petition by the State.” 725 ILCS 5/110-6(a) (West 2022). “Both the State and the defendant may appeal an order revoking pretrial release.” *Id.* Respecting such appeals, the applicable Illinois Supreme Court Rule states, “As a prerequisite to appeal, the party taking the appeal shall first present to the trial court a written motion requesting the same relief to be sought on appeal and the grounds for such relief. *** Upon appeal, any issue not raised in the motion for relief *** shall be deemed waived.” Ill. S. Ct. R. 604(h)(2) (eff. Apr. 15, 2024).

¶ 15 We affirm the circuit court’s order revoking Anderson’s pretrial release because he failed to file a sufficient motion for relief per Rule 604(h)(2). Anderson’s motion for relief provided no grounds for relief, as the rule requires. Ill. S. Ct. R. 604(h)(2) (eff. Apr. 15, 2024). Instead, he claimed that the State did not meet the burden of proof for two elements of an initial pretrial detention petition without any further explanation (which is not the standard at issue for pretrial release revocation), then stated he “is not alleged to have committed another crime while released on electronic monitoring” (a proposition specifically rebutted by the record). Anderson’s motion contains no citations to the record or to any case law, and advances no legal argument. As such, it fails the mandatory requirements of Rule 604, and constitutes waiver of any claim in this appeal.

See *People v. Wilson*, 2025 IL App (1st) 250067-U, ¶ 29; see also *People v. Drew*, 2024 IL App (5th) 240697, ¶¶ 43-44.

¶ 16

CONCLUSION

¶ 17 Anderson failed to comply with the requirements of Rule 604(h)(2), and accordingly his claims are waived and the circuit court's decision is affirmed.

¶ 18 Affirmed.