



STATE OF ILLINOIS
APPELLATE COURT
FOURTH DISTRICT
201 W. MONROE STREET
SPRINGFIELD, IL 62704
217-782-2586

FILED
December 03, 2024
APPELLATE
COURT CLERK

4-24-1100

THE PEOPLE OF THE STATE OF
ILLINOIS,
Plaintiff-Appellee,
v.
SEAN GRAYSON,
Defendant-Appellant.

Sangamon County
Case No.: 24CF909

ORDER

The appellate court's mandate in most appeals is to be issued no earlier than 35 days after the entry of judgment. See Ill. S. Ct. R. 368(a), made applicable to criminal cases by Ill. S. Ct. R. 612(b)(15). A shorter period of only five days is provided for in appeals from pretrial detention orders. See Ill. S. Ct. R. 613(d). The five-day time frame was intended to accelerate the issuance of the mandate in pretrial detention appeals while still giving any party "time to request that [the mandate] be stayed." Report and Recommendations of the Illinois Supreme Court's Pretrial Release Appeals Task Force, page 13. The State may petition for a stay of the mandate "until final disposition of the case by the Supreme Court" pursuant to Supreme Court Rule 368(c).

Supreme Court Rule 604(a)(3) provides that a "defendant shall not be held in jail or to bail during the pendency of an appeal by the State, or of a petition or appeal by the State under Rule 315(a), unless there are compelling reasons for his or her continued detention or being held to

bail.” Ill. S. Ct. R. 604(a)(3). Here, the State has failed to show compelling reasons for defendant’s continued detention during the pendency of the petition. Consequently, the State’s request to stay issuance of the mandate pending disposition of proceedings before the Supreme Court is denied.

We will, however, stay issuance of the mandate for 35 days. This will allow the State to pursue a further stay of the mandate directly from the Supreme Court. See Ill. S. Ct. 368(c). Absent a further stay from the Supreme Court, the mandate will issue 35 days from the judgment (*i.e.*, on January 2, 2025). In light of the “compelling reasons” requirement of Supreme Court Rule 604(a)(3), we order that the mandate will not be automatically stayed beyond that date as otherwise provided by Supreme Court Rule 368(b). See Ill. S. Ct. R. 368(b), 604(a)(3).

It is therefore ORDERED: the State’s motion to stay the mandate is granted in part and denied in part, and issuance of the mandate is stayed until January 2, 2025.

Order entered by the court.