2026 IL App (2d) 260381-U
No. 2-26-0381
Order filed November 6, 2026

N OTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee,

v.

ANDREW S. BENTKOVER, Defendant-Appellant.

Appeal from the Circuit Court of Lake County.
Honorable Victoria A. Rossetti, Judge, Presiding.
Nos. 26-CF-918, 26-CF-919, 26-CF-920

PRESIDING JUSTICE KENNEDY delivered the judgment of the court.
Justices Jorgensen and Mullen concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court did not err in denying defendant's pretrial release, where defendant allegedly sexually assaulted four victims over the span of four years, threatening to kill one of the victims and her family if she spoke out and cutting her with a knife, and where electronic home monitoring was unavailable in Lake County. Affirmed.

¶ 2 Defendant, Andrew S. Bentkover, appeals from the denial of his pretrial release under section 110-6.1 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/110-6.1 (West 2024)). For the following reasons we affirm.

¶ 3 Defendant is charged with sexually assaulting/abusing three different minor victims spanning a period from approximately 2016 to 2019 while defendant was a student at Deerfield High School. Defendant included only the common law record from one of the three cases (No.

26-CF-918). As the charging documents from two of the three cases are not included in the record on appeal, we take judicial notice of defendant's charges from the circuit court's website.

¶ 4 Defendant was charged with one count of aggravated criminal sexual assault (720 ILCS 5/11-1.30 (West 2016)), two counts of criminal sexual assault (*id.* § 11-1.20), three counts of aggravated criminal sexual abuse (*id.* § 11-1.60), and six counts of criminal sexual abuse (*id.* § 11-1.50).

¶ 5 Defendant is alleged to have met victim 1 through Snapchat in early 2017 when the victim was 14 years old. Before meeting in person, defendant pressured victim 1 to send him nude photographs. In May 2017, defendant and victim 1 met at Woodland Park in Deerfield. Defendant walked victim 1 to a concealed wooded area where they sat on a fallen log. Defendant began groping her breasts and kissing her. She told him repeatedly she was uncomfortable and did not wish to continue. Defendant then pushed her down onto the log, pinned her wrists above her head, pulled her shorts down, forced her legs apart, penetrated her vagina with his penis, and ejaculated inside her. Afterward defendant told her, "[y]ou better not tell anyone about this." Approximately a week later defendant contacted victim 1 on Snapchat asking to hang out. She responded, "[y]ou raped me." Defendant replied, "I'm sorry I raped you."

¶ 6 Defendant is alleged to have engaged in a yearslong pattern of grooming and abuse with victim 2. Defendant was close friends with victim 2's older brother and their families were close. Defendant regularly babysat victim 2, drove her to activities and was frequently present in her home when she was between the ages of 10 and 13. Over the course of approximately three years, defendant repeatedly forced victim 2 to use her phone to record and photograph him while he was nude from the waist down and masturbating, then sent those images to other girls. This occurred between 20 and50 times at her home, his home, his vehicle, and on at least one occasion in a public

bathroom. Victim 2 specifically recalled an incident at Brickyards Park in Deerfield. Defendant messaged victim 2 to meet him alone in the outdoor bathroom. She told him no, and he threatened to kill her if she did not comply. She went, and defendant forced her to take videos of him masturbating in the bathroom.

¶ 7 Defendant is also alleged to have physically abused victim 2 on multiple occasions, most often while babysitting at her home. He would grope her breasts and penetrate her vagina with his finger. He threatened to kill her and her family if she refused. On one occasion, while defendant was groping victim 2 in his vehicle, he told her he would slit her throat and kill her if she ever disclosed anything. Defendant then produced a pocketknife and cut her upper leg.

¶ 8 Towards the end of 2019, defendant sent victim 2 a provocative text. Her brother saw it and told their father, who confronted defendant's father. A detective spoke to victim 2 regarding the text, but she did not disclose the full extent of defendant's abuse at that time.

¶ 9 Victim 3 was introduced to defendant through her older brother, who attended high school with defendant. The allegations regarding victim 3 were as follows. On February 5, 2018, while victim 3 was 13 years old and in middle school, victim 3 met defendant in the music room of the high school, where he told her he would play piano for her and tutor her. After a few minutes, he told her that he had a headache, turned off the lights, and sat in front of the door. Defendant had her sit beside him and began kissing her. She initially did not object but then told him to stop. He did not. Defendant placed his hand in victim 3's pants and touched her vagina over her underwear. Defendant then moved his hand under her underwear and penetrated her vagina with his fingers. Victim 3 squirmed and tried to resist, but defendant pulled her on top of him with enough force to cause her pain. Defendant then lifted her shirt and sucked on her breast leaving a hickey. The

assault ended when a school custodian pushed the door open. Victim 3 also reported that defendant had previously sent her nude images of himself.

¶ 10 Additionally, defendant had pled no contest to sexual battery in 2023, arising out of an incident that occurred in Utah in November 2020. Defendant and the victim, G.D., were both 19 and enrolled at Wingate Wilderness Therapy in Kane County, Utah, an outdoor therapeutic program for teens and young adults with behavioral issues. During a snowstorm, while in a shelter for the night, defendant unzipped G.D.'s sleeping bag and placed her hand on his penis and fondled her vagina. The next morning, he went to her shelter and digitally penetrated her vagina. G.D. did not consent to either act. Defendant was originally charged with object rape and forcible sexual abuse but reached a plea deal. He was sentenced to 36 months' informal probation with a suspended sentence of one year imprisonment, less the 10 days defendant was ordered to serve in the Kane County, Utah jail.

¶ 11 On appeal, defendant argues that the State did not prove by clear and convincing evidence that he posed 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, and that the State did not prove by clear and convincing evidence that no condition or combination of conditions could mitigate that threat.

¶ 12 When parties to a pretrial detention hearing proceed solely by proffer and documentary evidence, the reviewing court's standard of review is *de novo*. *People v. Morgan*, 2025 IL 130626, ¶ 51. Under a *de novo* standard, the reviewing court performs the same analysis as the trial court, determining whether the trial court's decision was correct as a matter of law. *People v. McDonald*, 2016 IL 118882, ¶ 32.

¶ 13 All defendants shall be presumed eligible for pretrial release, and the State shall bear the burden of proving otherwise by clear and convincing evidence. 725 ILCS 5/110-6.1(e) (West

2024). To deny a defendant pretrial release, the State must show (1) that the proof is evident or the presumption great that the defendant has committed an eligible offense, and (2) the defendant poses a real and present threat to the safety of any person or persons or the community, which (3) no condition or combination of conditions can mitigate. *Id.* The trial court's finding that no combination of conditions can mitigate the threat posed by a defendant must be based on the specific articulable facts of the case. *Id.* § 110-6.1(e)(3). The base allegations which comprise the elements of the charged offense are not sufficient to establish such on their own. *People v. Stock*, 2023 IL App (1st) 231753, ¶ 18 ("If the base allegations that make up the *sine qua non* of a violent offense were sufficient on their own to establish this element, then the legislature would have simply deemed those accused of violent offenses ineligible for release."). However, the alleged facts which comprise the basic elements of the charged offense can be relevant proof establishing that no conditions can mitigate the threat posed by the defendant. *Id.*

¶ 14 Defendant argues that the trial court erred when it allegedly concluded he was dangerous based solely on the nature of the allegations and that the trial court should have considered the new psychosexual evaluation defendant procured, the length of time that had passed since the alleged acts occurred, and defendant's recent history. We disagree. Based on the specific articulable facts of the case, defendant posed a real and present threat to the safety of the victims and the community.

¶ 15 Section 110-6.1(g) of the Code sets forth factors the court may consider in making a determination of dangerousness. The first factor is, "[t]he nature and circumstances of any offense charged, including whether the offense is a crime of violence, involving a weapon, or a sex offense." 725 ILCS 110-6.1(g)(1) (West 2024). Defendant's charges are all sex offenses, most of which include either the use of force or threat of force, and in one instance involved cutting the

victim with a pocket knife. Another factor is, "the defendant's prior criminal history indicative of violent, abusive, or assaultive behavior" *Id.* § 110-6.1(g)(2). Defendant's Utah conviction is evidence indicative of violent, abusive, or assaultive behavior and undermines defendant's argument that the amount of time that has passed since the commission of the instant offenses should be considered as evidence of lack of danger. Additionally, the State proffered information regarding defendant sending female students unsolicited nude photographs and videos of him masturbating, as well as sexually explicit "porn scripts" describing the recipients of the messages in sexually explicit situations.

¶ 16 The court may also consider "[t]he identity of any person or persons to whose safety the defendant is believed to pose a threat" and "[a]ny statements made by, or attributed to the defendant, together with the circumstances surrounding them." *Id.* §§ 110-6.1(g)(3-4). In the instant case defendant allegedly threatened victim 1 by saying she had "better not tell anyone about this" and purportedly sent her a message apologizing for raping her. Defendant also threatened to kill victim 2 and her family if she spoke out or refused to go along with his abuses, going so far as to cut her with a pocket knife. While we recognize that these statements date from 2017 to 2019, defendant nevertheless made explicit threats of violence to two of the victims in this case.

¶ 17 The court may also consider the age and physical condition of the defendant and victims. *Id.* 110-6.1(g)(5-6). The victims in the instant case were minor females between the ages of 10 and 14. Defendant was between the ages of 15 and 18 at the time of the instant cases. Even accounting for the fact that defendant was a minor himself for most if not all of the alleged misconduct in this case, he targeted younger female victims, *i.e.*, middle school girls at a time when he would have been in high school. Further, while the victim in the Utah case was the same age as defendant, defendant knew her to have been sexually abused in the past, demonstrating a pattern of targeting

vulnerable young victims.

¶ 18 The court may also consider whether defendant is known to possess or have access to any weapon or weapons. *Id.* 110-6.1(g)(7). Defendant threatened to—and did—cut victim 2 with a pocket knife.

¶ 19 The court may also consider whether, at the time of the current offense or any other offense or arrest, the defendant was on probation. *Id.* 110-6.1(g)(8). At the time of his arrest, defendant was on probation from the Utah case.

¶ 20 Defendant points to three pieces of evidence to demonstrate that he is not dangerous: the character letters from his friends and family, defendant's new psychosexual evaluation, and the remoteness of the charged offenses. Including the Utah case, defendant's most recent offense occurred in November 2020, approximately five and half years prior to his arrest in the instant case. Defendant has also been attending therapy, college, and is an involved member of his temple.

¶ 21 Despite this, defendant is alleged to have sexually assaulted four victims, three of whom were middle-schoolers, over the course of approximately five years. There is a disturbing pattern of targeting young, vulnerable victims and threatening violence to ensure their silence. Nearly all of the statutory factors support a finding of dangerousness. Accordingly, we find there was sufficient evidence that defendant posed a real and present threat to the safety of the victims in the instant case, as well as to the community.

¶ 22 Turning to conditions, defendant argues that a combination of GPS monitoring and 24/7 house arrest would be sufficient to mitigate any threat posed by defendant. The problem for defendant is that the conditions he proposed are not available. The trial court stated that Lake County did not offer GPS monitoring, so we are not sure why defendant is suggesting it as a viable option. Regarding defendant's suggestion that he could be placed on a 24/7 curfew, according to

section 5-8A-4 (A-1) of the Unified Code of Corrections, "[a]t a minimum, any person ordered to pretrial home confinement with or without electronic monitoring must be provided with movement spread out over no fewer than two days per week, to participate in basic activities[.]" 730 ILCS 5/5-8A-4 (A-1) (West 2024). Therefore, defendant would have two days a week where he could leave his home, and because GPS monitoring is unavailable in Lake County, go essentially anywhere he wished. This is concerning because several of the incidents in the instant case took place in defendant's vehicle or in public parks and defendant used social media to arrange to meet with at least one of the victims. In this case, the only effective way to enforce the a 24/7 curfew suggested by defendant is pretrial detention. Accordingly, we find there was sufficient evidence to show that no condition or combination of conditions could mitigate the threat posed by defendant, and the trial court did not err in denying pretrial release.

¶ 23 For the reasons stated, we affirm the judgment of the circuit court of Lake County.

¶ 24 Affirmed.