NOTICE
Decision filed 11/04/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App (5th) 250651-U

NO. 5-25-0651

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Saline County.
	)	
v.	)	No. 21-CF-77
	)	
ALEXANDER McWILLIAMS,	)	Honorable
	)	Jayson M. Clark,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE BOLLINGER delivered the judgment of the court.
Justices Boie and Vaughan concurred in the judgment.

ORDER

¶ 1 *Held*: Defendant's conviction for first degree murder is affirmed where (1) the trial court's denial of defendant's motion to change venue was not erroneous and (2) the trial court did not improperly increase defendant's sentence based on improper sentencing factors or evidence.

¶ 2 Defendant, Alexander McWilliams, was convicted after a jury trial of first degree murder with an enhancement for personally discharging a firearm causing the shooting death of his girlfriend Mishealia Meredith. He was subsequently sentenced to 60 years in the Illinois Department of Corrections for the offense of first degree murder, with that penalty increasing to a natural life sentence with the addition of the firearm enhancement. Defendant now raises two claims of error, challenging both his conviction and sentence. For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 On March 13, 2021, Michelle Meredith reported her daughter, Mishealia Meredith missing to police. The following day, Tracie Vailes went to the Eldorado Police Station and told police she had witnessed defendant murder Mishealia, and was then forced to help him dispose of her body. Vailes led police to Mishealia's body, located in a corn field in remote Gallatin County, as well as other evidence, including a firearm. Following this, on March 15, 2021, defendant was charged with the offense of first degree murder and a warrant was issued for his arrest. Defendant was eventually located in a hotel in Morganfield, Kentucky, where he was arrested after a stand-off with police.

¶ 5 On February 28, 2024, defendant filed a motion for change of venue. In that motion, he alleged that the case had "become politicized in the election race for State's Attorney," with two Facebook pages, one for a Curt Hustedde and one titled "Elect Walden Morris Republican Candidate for Saline County State's Attorney," (Elect Walden Morris) having discussed the case in "videos and commentary." The motion alleged that Curt Hustedde had 3,600 friends and 346 followers and that Elect Walden Morris had 5,400 friends and 490 followers. It further alleged that video and commentary from Curt Hustedde regarding defendant's case had 19 shares and "additional commentary." It also alleged that Elect Walden Morris had 165 "likes or loves," 38 comments, and 165 video shares on videos regarding defendant's case. Finally, it alleged that the population of Saline County was 23,087 people as of July 1, 2022, and 80 percent of that population was over the age of 18. Defendant alleged that this "bombard[ment]" of advertisements and the undue influence of the Facebook videos and commentary meant defendant could not receive a fair trial in Saline County, and thus asked for a change of venue. An amended version of

that motion was filed on April 19, 2024, correcting the statutory citation for change of venue in criminal cases but making no other substantive changes.

¶ 6 The State filed an objection to defendant's motion for change of venue on April 30, 2024. In that objection, the State noted that the election referenced by defendant was a primary election that had been held on March 19, 2024, and that an uncontested winner had been declared in that election. As a result, the State asserted that the "bombard[ment]" defendant was concerned about was no longer occurring. The State further argued that the motion was most appropriately decided after jury selection had commenced, when the issue of whether a fair jury could be selected was no longer speculative, and cited case law in support of this assertion.

¶ 7 On July 2, 2024, a hearing was held on defendant's motion for change of venue. At the beginning of the hearing, the Illinois State's Attorney Appellate Prosecutor's Office informed the trial court that, while it had previously been assisting the Saline County State's Attorney's Office with the case's prosecution, it would now be the sole office overseeing the prosecution. Defendant first presented evidence in the form of three videos. Two of the videos were local news coverage of the case and the third was a campaign video from Walden Morris for State's Attorney. The first of the news clips played had a runtime slightly short of two minutes and gave a rough overview of the murder allegations defendant faced, as well as the timeline of the court proceedings. The second video was approximately 30 seconds and showed defendant being brought into the courthouse while a group, largely wearing what appeared to be matching red shirts and some holding signs, chanted "Justice for Mishealia."

¶ 8 The final video, the campaign video, featured a male voice identifying itself as the candidate, Walden Morris, indicating he had received "numerous inquiries" about the case and proceeded to talk about both the murder and prior attempt (first degree murder) charges. The video

explained that the attempt (first degree murder) and accompanying aggravated battery charges had been filed under the then-previous State's Attorney, Jayson Clark[1]. The candidate then explained that he was the resident judge of Saline County at the time those charges were filed, and issued a no-bond warrant for defendant's arrest based on those charges at the request of then-State's Attorney Jayson Clark. The candidate noted that defendant was not arrested until some months later, and that by the time he was arrested, Molly Wilson was State's Attorney for Saline County. The candidate said that then-State's Attorney Molly Wilson did not file a petition to hold defendant without bond, and the candidate thus set bond at $750,000. The candidate then stated that then-State's Attorney Molly Wilson agreed to "no fewer than 18" continuances before pleading defendant to the offense of obstructing justice for a maximum three-year sentence, and dismissing the original, more serious, charges. The candidate showed a copy of defendant's records from the Illinois Department of Corrections (DOC) inmate search section, which showed defendant to be admitted to DOC on August 21, 2020, and then paroled on October 9, 2020, noting that defendant had spent "only" 50 days in DOC due to credit for time served.

¶ 9 The candidate then stated that five months after defendant was released from prison "a 19-year-old woman was found shot dead in a remote corn field in Gallatin County." The candidate then described defendant's arrest in Kentucky, specifically describing it as a "stand-off" where defendant had "barricaded himself inside a hotel room," and showed a picture of that arrest from what appeared to be a local Kentucky news source. The candidate stated defendant was extradited back to Illinois and charged with murder. The candidate described himself as having set bond in the case, in his capacity as resident judge, at "ten million dollars."[2] The candidate then stated that,

[1]This is the same Jayson M. Clark that presided over the hearing being described and the subsequent jury trial in this case.

[2]We note that the file marked "BAIL/FIRST APPEARANCE ORDER" fixes bond at "$ one million cash," making the accuracy of this statement plausible, assuming the full one million was to be paid, but

as of the video, the murder charge had been pending for three years and that "Molly Wilson still has not brought [defendant] to trial" and noted that "no fewer than thirteen" continuances had been agreed to. The candidate then accused the State's Attorney's Office of trying to "further delay" bringing defendant to trial by filing a motion to substitute now-Judge Jayson Clark off of the case, stating this was done "rather than doing the work necessary to prepare this case for trial." The video then ended with criticism of the candidate's opponent unrelated to this case, and a request for votes in the then-upcoming primary election.

¶ 10 As part of the presentation of evidence, defense counsel noted that it was the campaign video that "prompted me to file a motion for change of venue in this matter," stating he believed it "introduced the county to a number of facts behind this case that may not ever be presented at a trial." Defense counsel then presented another exhibit showing the demographic data for Saline County alleged in the motion for change of venue. Another exhibit showed statistics for the Elect Walden Morris Facebook page and some of its posts, as well as for posts by user Curt Hustedde, who defense counsel alleged was a police officer with the City of Harrisburg. The contention that Hustedde was so employed was supported by another of defendant's exhibits. Defense counsel also submitted another exhibit which included the section of Facebook profile page for Hustedde listing other users who were friends of Hustedde through the platform, and a post made by Hustedde regarding the case, as well as the comments on that post.

¶ 11 Finally, defense counsel submitted an article from "The Southern" entitled "Suspect in Harrisburg woman's murder was released early from prison in October in another case." That

unclear, as the interpretation that this sets bond at one million dollars with ten percent of that to be posted in cash is also possible.

article mentioned prior cases of defendant's, including the attempt (first degree murder) charge where he ultimately pleaded instead to a charge of obstructing justice.

¶ 12 The State largely stood on its written response, arguing that the matter of a change of venue was best left until jury selection. The State argued that, until that time, there was no way to know the actual reach of the Facebook discourse surrounding the case. The State also argued that the campaign video was confined to facts one could find out through a Freedom of Information Act request and suggested it would be best viewed as equivalent to a news article. Defense counsel contested that characterization of the campaign video, stating that former-Judge Walden Morris was very respected within the community and arguing that his accusations that "the State's Attorney let this defendant off the first time" were impactful.

¶ 13 The trial court did not rule on the motion that day. The trial court determined that the issue was not ripe for adjudication, based on the case law, until jury selection. Based on that reasoning, the trial court took the matter under advisement until after jury selection had been completed.

¶ 14 A list of potential jurors was given to both parties four days prior to trial, in part for the purpose of potentially allowing for the exclusion of some jurors based on the facts and circumstances alleged in the motion for change of venue. The exact process for jury selection was also discussed prior to trial, including specifics of how *voir dire* would be adjusted to allow the motion for change of venue to be addressed. To that end, the trial court and parties agreed that any juror who indicated in general questioning that they had read or heard anything about the case prior to trial would later be questioned individually outside of the presence of the rest of the venire.

¶ 15 The case proceeded to a jury trial on September 10, 2024, beginning with jury selection. During *voir dire* a total of 40 potential jurors were brought in to be questioned and selected from.

Eight of those potential jurors indicated some prior knowledge of the case and six of them were questioned individually in relation to that matter.

¶ 16 One of the potential jurors subjected to individual questioning requested that she be so questioned before being subjected to general questioning. During individual questioning, she revealed that one of the State's witnesses, Tracie Vailes, was her niece, and, as a result, she knew a substantial amount about the case. That potential juror was stricken on a joint motion for cause by both parties.

¶ 17 Another potential juror who recalled seeing a picture of defendant was questioned individually by the trial court and stated that she had seen defendant's picture attached to a local news article on Facebook. She told the trial court that she had read the article, but remembered nothing about its contents. She stated she had neither heard nor read anything else about the case and could set aside anything related to the news article in rendering a verdict. She was ultimately accepted by both parties as a juror.

¶ 18 The third potential juror questioned individually stated during general questioning both that he saw or heard something about the case and that he knew "kin" of the victim due to his prior employment with the Illinois Department of Corrections. When questioned, he revealed that a man whom he believed to be the step-brother to the victim had been incarcerated and worked as a porter under his direction. The victim's step-brother had also worked for a friend of that potential juror after being released from DOC and the potential juror spoke to the step-brother after his release. The release of Mishealia's step-brother and the potential juror's conversation with him after release both occurred after the murder. The potential juror indicated that Mishealia's step-brother spoke to him about the murder, indicating he was hurt by what happened and that it was a terrible crime. As part of those conversations, defendant's name was mentioned and the victim's step-brother

complained that he did not "understand how someone that was a felon could have been left out and to do a crime like this again." The potential juror indicated that was his primary source of information about the case but that he "heard several things and read but lots of times it's just through media and, you know, it wouldn't exactly be considered correct completely." The potential juror told the trial court that he heard or read things about the case "[s]everal times, more than ten." After his individual questioning, defendant moved to have him stricken for cause, without objection by the State, and he was stricken.

¶ 19 The fourth potential juror questioned individually stated she read some about the case shortly after it occurred, but that since the victim had been a student of her mother's, it was "really touchy for my mom" and she heard things from her mother as a result. Specifically, the potential juror heard from her mother that the victim was "shot in the head and dumped in a ditch," although she did not know how true those things were. She also recounted potential details she remembered from news articles, but was not certain she was remembering those details correctly. When asked, she affirmed that she could put any news articles or anything her mother told her out of her mind and return a verdict based solely on what she heard in the courtroom. This potential juror faced no challenges for cause, but was eventually stricken by defendant utilizing a peremptory challenge.

¶ 20 A fifth potential juror stated during general questioning that she "vaguely" remembered the case from "when it hit the news" but that she didn't remember when that was. Both defendant and the State declined to have her questioned individually about her knowledge of the case. The State utilized a peremptory challenge on that potential juror and she was not chosen to serve.

¶ 21 A sixth potential juror, this one a potential alternate juror, who stated he knew one of the witnesses and spoke to them about the case was stricken for cause prior to any individual questioning on defendant's motion and without objection by the State. Two more potential

alternate jurors both indicated that they had some prior knowledge of the case, stating they heard or saw something about it during general questioning, and both were questioned individually. The first of those two stated she heard talk about the case at work, that the victim had once been a student of her husband's and that the victim lived down the road from her at one point. She described what she heard as being general small town gossip, although she specifically heard that the victim was found in a ditch. The second stated she did not remember much, simply that the victim was murdered and found in a corn field, but read about the case in the news around the time the murder occurred. Neither side challenged those potential jurors for cause, nor used any peremptory challenges, and both were seated as alternate jurors.

¶ 22 One other juror, who was not questioned individually, reported during general questioning that he previously worked with Terry Vailes, the father of Tracie Vailes, back in 2022 for a period of 9 to 10 months. That juror was ultimately seated on the jury. When that juror was seated, defendant was out of peremptory challenges, having used his seventh challenge and his request for more peremptory challenges having earlier been denied by the trial court.

¶ 23 Three other potential jurors were stricken for cause for reasons unrelated to any prior knowledge of the case. Of the eight jurors who indicated during *voir dire* that they had some prior knowledge of the case, only three were not stricken on some basis, with two of those being seated as alternates. After a full jury was chosen, defense counsel made an oral motion related to the jurors, claiming that, as there were no minorities in the pool, the pool's make-up was fundamentally unfair to defendant. Based on that, defense counsel moved for a mistrial. The trial court denied the motion.

¶ 24 The trial then proceeded to opening statements and the State's case-in-chief, which comprised the following narrative: As of March 12, 2021, defendant and Mishealia had been dating

for approximately six months and resided in the same household, along with Mishealia's mother, Meredith. During that time, the residence did not have running water, so defendant and Mishealia would go to the homes of friends to take showers and do laundry. On March 11, 2021, defendant and Mishealia went to the home of an Amber Graham to accomplish those tasks. While there, Graham asked Mishealia if she wanted to get her nails done the following day, which upset defendant, who then put on a pair of black gloves, grabbed a pistol, told Mishealia to sit on a couch next to Graham, and began twirling the firearm while he continually ejected and then reseated the firearm's magazine.

¶ 25 On March 12, defendant and Mishealia went to the home of Tracie Vailes, a family friend of Mishealia's, to shower and wash clothing. Much of the evidence at trial regarding what occurred on March 12 into March 13, 2021, came in the form of testimony from Vailes. On March 12, Vailes picked defendant and Mishealia up in her vehicle. Before going to Vailes's home, defendant requested they go to a different residence, which they did, staying at that residence for three to four hours. Around four to five other people were present at that house, and those present, including defendant, took drugs while there. Eventually, Vailes, Mishealia and defendant left that residence together in Vailes's vehicle. They went to a gas station in Harrisburg, Illinois, where they bought cigarettes, water, and alcohol at the drive-through, then proceeded to Vailes's residence, located at 821 High Street in Eldorado, Illinois.

¶ 26 They arrived in the early morning hours of March 13, around midnight to 1:00 a.m. Defendant and Mishealia showered, Mishealia did a small load of laundry and all three did cocaine. While they were at the Vailes's residence, two other people stopped by to purchase cocaine from her. One of those purchases occurred around 3:00 a.m. At some point after that, defendant and Mishealia began arguing. Defendant threw his phone at Mishealia, hitting her in the chest, and

then began screaming at her about having rolled her eyes at him. Mishealia denied this accusation, and defendant demanded she sit on a couch, which she did. Mishealia continued to deny having rolled her eyes, and defendant told her that if she continued to deny the accusation, he would shoot her. Defendant then drew a firearm from his pants and shot Mishealia in the head. Defendant was wearing black gloves at the time and standing within ten feet in front of Mishealia. Vailes was standing nearby, within full view of what occurred.

¶ 27 Having shot Mishealia, defendant then turned to Vailes, who was screaming, pointed the gun at her and threatened to kill her. Vailes pleaded for her life, and defendant agreed to spare her, telling her she must clean up the scene. On orders from defendant, Vailes retrieved trash bags and placed cigarette butts and bottles into a trash bag. Defendant placed Mishealia's body into two trash bags, with one bag covering the top half of her body and the other covering the bottom half, then placed her body inside a blue tote bag. Defendant had Vailes go out to her car with him, and attempted to place the tote bag with Mishealia's body inside the trunk of the vehicle, but it would not fit, so he instead lined the trunk with plastic trash bags, removed the body from the tote and placed it inside the trunk. Defendant had Vailes drive to a rural area, directing her as she drove, then had her stop by a field. Once they stopped, he gave her a phone with its flashlight function activated and he carried Mishealia's body into the field to dump it.

¶ 28 The two then returned to Vailes's residence. Defendant moved the couch Mishealia had been killed on, revealing a large amount of blood on the floor, which he had Vailes clean with bleach from her kitchen and washcloths. The couch was then removed from the residence and placed on the roof of Vailes's vehicle. The couch was driven to an alley near an empty house belonging to a Tavis Davis, a cousin of Vailes, and dumped. They then drove to another location to dispose of two trash bags containing cigarette butts, bottles, Mishealia's bag and the clothing

she had been washing. Defendant and Vailes then went to Century Estates, an apartment complex in Harrisburg, Illinois, at the direction of defendant. There, the tote bag, pillows, and cushions from the couch Mishealia was on when she was killed were dumped into a large trash dumpster. Vailes drove the two to each location, and as she did, defendant had his firearm sitting on his lap.

¶ 29 Defendant then had Vailes drop him off at another location in Harrisburg, near an old school building. Once they arrived at that location, defendant told Vailes that if she spoke to police, she was to tell them that she had dropped both he and Mishealia off at their current location, but that the two were arguing when that happened. Vailes was to tell police that, as a result of that argument, Mishealia took off walking. Defendant also gave his firearm to Vailes and told her to dispose of it by throwing it into the pond at Harrisburg Park, which she did. Defendant had Vailes put on the gloves he had been wearing in order to dispose of the gun, and after disposing of the gun, she threw them out of her car window. Vailes then went to the home of D'Mario Copeland, her on-again/off-again boyfriend. Vailes wished to leave town, so she and D'Mario went to St. Louis, Missouri, staying there overnight in a hotel.

¶ 30 When Mishealia did not return home on March 13, 2021, her mother became worried and reported her missing to the Eldorado Police Department, who opened a missing person case. Prior to reporting Mishealia missing, her mother attempted to find her and spoke to defendant. Defendant did not aid in the search for Mishealia and subsequently blocked Mishealia's mother on Facebook, which was how she had been contacting him. According to Mishealia's mother, defendant utilized Mishealia's phone to contact people as he did not have a phone of his own.

¶ 31 Subsequent to Mishealia being reported missing, on March 14, 2021, Vailes returned to Saline County from the St. Louis area, went to her father, Terry Vailes's, residence and had her father bring her to the Eldorado Police Department so she could tell police what had happened to

Mishealia, as well as her own role in the subsequent clean-up of the crime. The Illinois State Police became involved in the investigation, and Vailes told investigators from the Illinois State Police of the locations where she and defendant had driven to dispose of Mishealia's body, the couch, and the various other items of evidence related to the murder, allowing officers to recover them. Mishealia's body was recovered from a field in rural Gallatin county. Her cause of death was determined by an autopsy to be a single gunshot wound to the head. Defendant's firearm was recovered by the Shawneetown Fire Department dive team from a pond in a Harrisburg, Illinois park. A spent projectile was eventually recovered from where it was embedded inside the couch. A scientist from the Illinois State Police Crime Laboratory determined that the firearm recovered from the Harrisburg park pond was the same firearm that fired the spent projectile found within the couch. DNA testing showed that blood stains found on the blue tote bag, the floor of Vailes's home, the couch, and Vailes's vehicle all came from Mishealia.

¶ 32 Under circumstances unrelated to Vailes's statements to police, Mishealia's purse, and within it, her cell phone, were found. Data was taken off the phone, and data from the phone indicated use of the phone by both defendant and Mishealia. At about 4:55 a.m. on March 13, about two hours after the murder, a message was sent from the phone. Location data from the phone's carrier indicated that the cell phone tower the phone was connected with at the time of those messages was located in Ridgeway, Gallatin County, Illinois approximately three and a half miles from where Mishealia's body was found. The message in question told the other person that the phone no longer belonged to the person being communicated with, and instructed them to instead call a phone number saved within Mishealia's phone under "Babe." A picture of the same firearm found in the Harrisburg Park pond, identifiable as the same firearm from the serial number visible on the firearm in the picture, was also found on Mishealia's phone.

¶ 33 Defendant was eventually located in Morganfield, Kentucky, on March 23, 2021, and taken into custody after a multi-hour stand-off with Kentucky police. After defendant was taken into custody, investigators with the Illinois State Police interviewed him. During that interview, defendant denied shooting Mishealia either on purpose or accidentally, stating that he was a "professional" with a gun and would not have shot someone on accident. He admitted to seeing Mishealia on March 12, 2021, telling police he went over to the home of a "Ryan" with her. Defendant told officers that, while there, the two did drugs, but an argument occurred between them, and the two separated. Defendant stated the plan was to go to the home of Tracie Vailes so they could shower and do laundry, but due to his disagreement with Mishealia, he denied ever making it to the home of Vailes that evening. Defendant claimed that Vailes later told him that Mishealia had exited her vehicle and began walking.

¶ 34 During the State's case-in-chief, the trial court raised, *sua sponte*, the issue of defendant's motion for change of venue outside of the presence of the jury. The trial court stated that only three of the jurors impaneled indicated they had any knowledge of the case, both parties had been given the opportunity to question those jurors about that knowledge, and questioning had revealed no substantial knowledge about the case, nor exposure to the pretrial publicity raised in the motion. Based on the fact that 12 jurors "sufficiently unfamiliar with the details of the case" had been found to make up the jury, the trial court denied defendant's motion.

¶ 35 The following morning, and still in the midst of the State's case-in-chief, one of the jurors reported that he had a "conflict" and wished to speak with the trial court. The trial court spoke to that juror, who indicated that, based on conversation with another juror, who might herself know someone involved with or related to the case, he had remembered a potential connection of his own to defendant. The juror indicated that he bought a house about 20 years prior, and that the

seller of that house had a granddaughter, whom the juror named, who might be familiar with defendant due to having children with a man related to defendant. That man lived two miles down the road from his home. The granddaughter had gone on Facebook at some point, defending defendant's innocence. The juror stated that he frequently drove by the area where defendant's male relative lived while driving a truck that had his name printed on it for business purposes. The juror further stated that, based on his recent recollections, and having now heard testimony in the case, he also recalled having read a news article about the case. The juror stated he had read it three years prior and things like the names of those involved had faded from his memory. The juror asserted that neither the Facebook posts defending defendant's innocence nor the prior news coverage he had seen would impact his ability to be a fair and impartial juror. He was, however, worried about his wife's safety, given the proximity of defendant's relatives.

¶ 36 Based on that juror's statements, the other juror he mentioned was then brought in and questioned. During that conversation she stated that she had seen defendant on television in a story regarding his arrest in Kentucky, but had not mentioned it during *voir dire*. All she remembered about that coverage was them bringing him out of a hotel or motel in shorts or boxers.

¶ 37 Subsequent to both jurors being questioned, both defense counsel and the State expressed concern about the two jurors. Counsel for both parties appeared to agree that it was strange the first juror had been so spooked and that it seemed to have been related to the comments made by the second juror. The State asked that both jurors be dismissed and alternate jurors seated. Defense counsel wished to know exactly what the second juror had said to prompt the first to remember facts related to his neighbors and to approach the trial court. The first juror was then brought back into the courtroom and questioned about the comments by the second juror.

¶ 38 The first juror explained that the second asked him if he was from a particular small town, then asked if he knew a particular person. When the first juror indicated the name was familiar but he did not think he knew that person, the second juror indicated what road that person lived on and that it was "across from those people." Based on that, it later occurred to the first juror that when the second referred to "those people," she might have been referring to the people he believed to be relatives of defendant who lived about two miles down the road from him. Based on that, he believed that the second juror might know defendant or his family.

¶ 39 After speaking to the first juror again, both counsel's concerns about the first juror were assuaged. However, both parties expressed concern about the fact that the second juror had initially stated she knew nothing about the case during *voir dire*, but when questioned again during the State's case-in-chief admitted to seeing news coverage wherein a picture of defendant after the Kentucky police stand-off was shown. The State asked that the second juror be stricken for cause. Defense counsel agreed with that proposal. The trial court specifically asked defense counsel to confer with defendant about that decision, and defendant concurred with his attorney, wanting the second juror removed for cause. The second juror was removed for cause, and an alternate was seated in her place. The alternate seated was a juror who was individually questioned during *voir dire* about her prior knowledge of the case, and who indicated that her husband had once been one of Mishealia's teachers, that Mishealia had lived down the road from her at one point, and that she had heard general small town gossip about the case.

¶ 40 However, defense counsel had concerns about whether that second juror, now removed, had tainted the pool. He asked for a mistrial, or in the alternative that all remaining jurors be questioned. The State objected, noting that the first juror stated that when the conversation triggering his memory occurred, other jurors were having their own conversations and there was

no reason to believe anyone had heard anything improper from the second juror. The trial court denied both of defense counsel's requests. Based on having spoken to both jurors, the trial court did not believe there was any reason to think that the second juror had tainted the pool by saying anything to anyone but the first juror, and that even what she said to the first juror would appear innocuous to other jurors if overheard. The jury was brought in and admonished not to talk about the case until deliberations and to report any potential issues to the trial court.

¶ 41 No further issues arose with the jurors, and the remaining two alternate jurors were not required to deliberate. During deliberations, the jury's sole question was a request for a transcript of defendant's video interview, which they were not provided as one did not exist. The jury found defendant guilty of first degree murder and found that defendant had personally discharged the firearm that killed Mishealia.

¶ 42 On January 16, 2024, defendant filed a post-trial motion, alleging several errors. Among those errors was the allegation that the trial court erred in denying defendant's motion to change venue and that it erred in denying defendant's motion for a mistrial when, after the State's evidence began, one juror came forward, leading to the further questioning of both that juror and another, as well as the dismissal of one of those jurors. The trial court heard defendant's post trial motion on February 25, 2025, and denied the motion before proceeding to a sentencing hearing.

¶ 43 Two victim impact statements, made by Mishealia's elder brothers, were presented by the State as evidence in aggravation. In both statements, Mishealia's brothers noted and expressed dissatisfaction with the length of time it had taken for defendant to be found guilty. One brother specified the length of time as 1,347 days, while the other noted it as 1,445 days and added a healthy dose of profanity to that number. In addition to those victim impact statements, during argument the State stated, "There was one person who came to this Court every day, and that was

Mishealia's dad. He chose not to write a statement or read one today. He did give me permission to speak to the Court on his behalf." The State then noted that Mishealia's father had been present even for court dates where he knew nothing of substance would occur, and that he had arrived at the courthouse prior to the State during the entire two weeks of trial. The State described him as not "complaining or yelling or seeking vengeance" during court appearances. It also noted that he had needed a mental health evaluation in order to return to work and that he was present in court for the sentencing hearing that day.

¶ 44 The trial court sentenced defendant to a life sentence, imposing 60 years for the underlying first degree murder conviction and a consecutive life sentence pursuant to the firearm enhancement. In imposing that sentence, the trial court indicated it was taking into account the written presentence investigation report, the evidence at trial and other matters of record within the case.

¶ 45 The trial court first commented on the length of time that had passed between Mishealia's murder and defendant being brought to trial, noting that "it doesn't really merit much comment, but it does merit some comment." In so doing, the trial court noted that 1,284 days had passed between the date of the murder and the beginning of the trial, 1,446 days passed between the date of the murder and the sentencing hearing, that "[n]othing happened in this case until [the attorneys from the Illinois State's Attorneys Appellate Prosecutor] took it over from our former state's attorney," and that "the fact that this family had to wait almost four years for justice is in and of itself an injustice."

¶ 46 The trial court then moved on to the circumstances of the offense itself, stating that the sentence it imposed was based "in significant part on my opportunity to observe these witnesses during this trial and to hear the story that they told in this case." The trial court summarized the

facts of the case as presented at trial, describing the offense as an act of domestic violence where defendant, "a male convicted felon, shot Mishealia Meredith, a 19-year-old woman in the head with a 9 mm firearm killing her" for having rolled her eyes at him and then refusing to admit she had done so. The trial court described several different ways that the offense of murder, as charged, could be committed and then characterized defendant's acts in this case as a "callous act of cold-blooded murder because of his own ego, apparently, and his temperament and his character." The trial court noted that defendant was 38-years-old at the time of the shooting and characterized him as having given Mishealia drugs. It further noted his treatment of Vailes, and the role he forced her to play in cleaning up after the crime and threatening her with death if she did not do so. In recounting the facts presented at trial, the trial court also made mention of defendant having fled to the state of Kentucky, hiding in a hotel and becoming involved in a stand-off with police when they attempted to arrest him. It noted that at the time of the offense and the stand-off, he was on Mandatory Supervised Release "after he had been sent to prison after our former state's attorney let him plead guilty to an offense where he got a minimal prison sentence."

¶ 47 The trial court then noted defendant's behavior throughout trial and sentencing. The trial court stated defendant had the right to "profess his innocence" but characterized defendant as "[a]t no point *** seeing him *** demonstrate or say anything which would be anywhere close to remorse." The trial court clarified its intent with those observations, specifying that it meant "remorse or sadness for the death of Mishealia Meredith" and noting that defendant could both profess his innocence and be sad about what occurred. It described defendant as "smirk[ing] while the victim's family read their statements" and as expressing "anger at their pain." The trial court then described defendant's lack of remorse as "no wonder" given that "he disposed of her body like she was garbage after he shot her in the head and killed her."

¶ 48 With regard to defendant's account of what occurred, the trial court noted that during his police interview, defendant described himself as "a professional when it comes to handling firearms" and drew the conclusion that meant he "doesn't accidentally shoot people" and was a "professional killer" who "shoots people on purpose like a professional killer." The trial court interpreted these statements as indicative of defendant's character. Defendant took issue with the trial court's characterizations, interrupting by stating "I never said I was no professional killer" and "You ain't in a cell with me. You don't know what remorse I got, what I go through." The trial court handled this outburst with aplomb, asking defendant if there was anything else he wished to say and continuing with the reasoning for its sentence when he added nothing more of substance.

¶ 49 The trial court then moved on to the factors in aggravation applicable to the case. It first noted that defendant's conduct caused serious harm, in that he "shot a person in the head and killed them" which was "the most serious harm imaginable." The trial court stated no more than that, instead moving on to note that another applicable factor in aggravation was that defendant had a prior history of delinquency or criminal activity. The trial court described defendant's criminal history as "significant" and including "forcible felonies/violent crime type offenses." The trial court listed defendant's prior offenses, which started at age 18 with misdemeanor reckless conduct for which he was given a sentence of court supervision. It noted his first felony, for which he eventually received a DOC sentence, occurred when he was 20 and he was convicted of a second, aggravated battery, at age 27. The trial court noted another felony conviction resulting in a DOC sentence at age 30, and then noted defendant's most recent felony conviction for obstructing justice at age 34, which resulted in a three year DOC sentence. In noting the most recent offense, the trial court specifically commented that defendant had been charged with "much more serious offenses" than what he was eventually convicted of. The trial court noted that it was that offense for which

he was on Mandatory Supervised Release when he killed Mishealia, and that his being on Mandatory Supervised Release was a factor in aggravation as well.

¶ 50 The trial court also noted facts potentially weighing in defendant's favor as well, noting he grew up on the "west side of Chicago," which it described as a dangerous neighborhood, and something it was taking into consideration. It also noted that the minimum sentence available was 45 years, which was lengthy, and that the world would likely be a very different place after the passage of that period of time. However, it also noted that Mishealia would never get the chance to see those changes due to defendant having killed her.

¶ 51 The trial court found that there was a significant need for deterrence in this case. It stated that it kept "coming back to what [defendant] said in that police interview" and concluded that defendant was "too dangerous to ever be allowed in our community or any community." It then imposed sentence, and admonished defendant as to his appeal rights.

¶ 52 Following the imposition of sentence, defendant filed a motion to reconsider his sentence. In that motion, defendant asserted that the trial court's "decision to sentence Defendant in excess of the sentence requested by the State show[ed] an impermissible bias by the Court," and that it had "considered a number of improper sentencing factors when sentencing the Defendant to life in prison." That motion was heard on July 25, 2025, during which defense counsel orally supplemented the written motion by arguing that the trial court's remarks about the length of time it took for defendant's case to proceed to trial showed that it had considered improper sentencing factors in imposing sentence. During an exchange with the trial court to clarify the claims of error, defense counsel further supplemented his argument, stating, "The Court's focus both upon the inappropriate actions of the prior state's attorney and the delay that that caused in this matter is not the type of factor articulated within the factors in aggravation listed within the statute." The trial

court denied defendant's motion to reconsider his sentence. In denying the motion, the trial court specifically addressed its remarks about the length of time it had taken for defendant's case to get to trial, stating the purpose of those remarks was to show sensitivity to the rights of crime victims. Defendant timely appealed.

¶ 53 II. ANALYSIS

¶ 54 On appeal, defendant challenges both his conviction and sentence. First, defendant alleges error in the trial court's denial of his motion to change venue. Second, defendant claims he is entitled to a new sentencing hearing, as the trial court impermissibly imposed a life sentence based on improper sentencing factors and improperly presented evidence at sentencing.

¶ 55 A. Denial of Motion to Change Venue

¶ 56 Defendant first alleges error with regard to his conviction, arguing that the trial court erred when it denied his motion for a change in venue prior to trial, based on the pretrial publicity. He further argues that it was error to deny his motion for a mistrial made in response to the discovery during trial that two jurors had knowledge of the case, despite having made no mention of that knowledge during *voir dire*. Defendant alleges that, based on these errors, he was denied his right to a trial by an impartial jury, and that this case should be remanded for a new trial in a county other than Saline County.

¶ 57 1. Motion to Change Venue

¶ 58 A defendant is entitled to be tried by an impartial jury under both the United States and Illinois Constitution. U.S. Const., amend. VI; Ill. Const. 1970, art. I, § 8. That jury must base its verdict on evidence presented at trial, rather than outside sources. *People v. Taylor*, 101 Ill. 2d 377, 386 (1984). However, that does not require that the jury know nothing of the case prior to trial. *Id.* Instead, a juror must be able to set aside such information and base their verdict solely on

the basis of evidence presented at trial. *Id.* Generally, the best way to determine whether a juror can do that is to ask, utilizing the *voir dire* process to aid in that determination. *Id.* at 398. Whether a juror can sufficiently set aside any outside knowledge and render a fair verdict is not subject to a "simple test which we can apply to every case" but rather is based on the totality of the record and circumstances. *Id.* at 391, *People v. Murbarger*, 2026 IL App (5th) 230430, ¶ 33.

¶ 59 Where a defendant does not believe he can secure such an impartial jury, section 114-6(a) of the Code of Criminal Procedure (725 ILCS 5/114-6(a) (West 2024)) allows him to "move the court for a change of place of trial on the ground that there exists in the county in which the charge is pending such prejudice against him on the part of the inhabitants that he cannot receive a fair trial in such county." *Id*. A defendant is entitled to have this motion granted based on pretrial publicity "if there is a reasonable apprehension that the defendant cannot receive a fair and impartial trial." *People v. McPherson*, 306 Ill. App. 3d 758, 764 (1999). The denial of a motion for change of venue is subject to an abuse of discretion standard, which applies " 'only where the trial court's ruling is arbitrary, fanciful, unreasonable, or where no reasonable person would take the view adopted by the trial court.' " *Murbarger*, 2026 IL App (5th) 230430, ¶ 32 (quoting *People v. Hall*, 195 Ill. 2d 1, 20 (2000)). Where a defendant is denied his right to an impartial jury due to the denial of a motion to change venue, he is entitled to a new trial. *Id.* ¶ 33.

¶ 60 Here, the trial court took defendant's pretrial motion under advisement and utilized the *voir dire* process to determine whether a jury that could sufficiently put aside any pretrial publicity could be found and impaneled. During *voir dire*, 40 potential jurors were questioned. Of those 40, only eight of the jurors indicated any sort of knowledge of the case at all. Over the course of trial, two more jurors were questioned, revealing prior knowledge of the case. Of the 10 total potential jurors who were eventually revealed to have some prior knowledge of the case, only two were

revealed under questioning to have any substantial knowledge of the case. In both instances, it was through knowing someone connected to the case: in one instance, the potential juror was the aunt of Tracie Vailes, and in the other, the potential juror had had significant contact with a close male relative of Mishealia. Both were stricken for cause. A third potential juror revealed that he knew a witness in the case and was stricken for cause with no individual questioning. Of the remaining seven potential jurors who had prior knowledge of the case, knowledge of the case was largely ill-remembered news coverage and notably none of the jurors showed any familiarity with the campaign video that was the focus of defendant's motion to change venue. Only three of the original eight potential jurors who mentioned prior knowledge of the case went on to become either jurors or alternate jurors, and of the two who later revealed knowledge, one was stricken for cause based on concerns by both parties and the trial court that she had not previously mentioned having seen news coverage about the case. The other juror was not stricken, and it is clear from the record that the reason he did not initially mention having seen the case in the news was that the coverage was so spartan and so long ago that he had simply forgotten about it until further events jogged his memory.

¶ 61 Defendant asks us to find that this trial court, like the trial court in *Taylor*, 101 Ill. 2d 377, abused its discretion by denying his motion to change venue. However, this case is much less problematic than *Taylor*. In *Taylor*, that defendant's case was subject to extensive pretrial publicity which revealed, among other things, that defendant had taken a lie detector test, which he either did not pass or for which results were inconclusive, and that charges against one of his codefendants were dropped when he passed a lie detector test. *Id.* at 382-84. Defendant was able to commission a volunteer-based survey of the local community in support of a motion to change venue showing that nearly 99% of those surveyed had heard of the case, 49% had heard of the case

"often" and 32% had heard of it "many times." *Id.* 72% believed police had arrested the right person and 53% believed he was guilty. *Id.* Likewise, *voir dire* in the case revealed that "almost no prospective jurors who knew nothing [*sic*] of the case," six of the seated jurors knew of the codefendant's release and three of those six knew specifically that he was released due to passing the lie detector test. *Id.* at 387-88. While all of those jurors stated they could set aside their previous knowledge in rendering a verdict, the *Taylor* court nonetheless found that this could not overcome the taint of their knowledge of the polygraph test, which the court found to be uniquely biasing information. *Id.* at 390-93.

¶ 62 Here, in contrast to *Taylor*, a far lesser percentage of the venire had prior knowledge of the case and even fewer of those seated had knowledge. *Id.* at 382-93. While the *Taylor* court had six out of twelve seated jurors with substantial prior knowledge, here only three of twelve jurors had prior knowledge of any sort. *Id.* Notably, none of the seated jurors in this case reported any knowledge of the campaign video that formed the backbone of defense counsel's motion to change venue, and all reported minimal knowledge from prior news coverage. Indeed, the knowledge report by the jurors seated in this case amounted entirely to facts the jurors would learn as part of the State's case-in-chief: that Mishealia had been killed by a gunshot wound to the head and her body then disposed of in a field. This is all far less than the knowledge of the jurors in *Taylor*, who displayed much greater knowledge of the case and where some of them had knowledge of the polygraph tests themselves. *Id.* Much of the *Taylor* court's decision was based on the unique problems knowledge of the polygraph presented, and it was largely the unique nature of that inadmissible evidence that caused the court to find that, despite jurors' statements that they could put aside the knowledge and render a fair verdict, they were so tainted by that knowledge that a new trial was required. *Id.* Here, we are not dealing with jurors who were exposed to such

problematic and inadmissible evidence. Instead, we have jurors exposed to normal media coverage, which even those seated had largely forgotten due to the passage of time. "A lapse of time between the publicity and actual trial may be sufficient to dissipate any feeling of prejudice resulting from the pretrial publicity." *Murbarger*, 2026 IL App (5th) 230430, ¶ 36. We do not find an abuse of the trial court's discretion under circumstances such as these.

¶ 63 2. Motion for Mistrial

¶ 64 Defendant further argues, however, that the fact that two jurors revealed previously undisclosed knowledge of the case in the midst of trial shows that *voir dire* was ineffective at exposing juror bias. Moreover, he asserts that his motion for a mistrial based on those facts should have been granted.

¶ 65 We disagree that two jurors revealing previously undisclosed knowledge of the case shows an ineffectiveness of *voir dire* which should have resulted in the granting of defendant's motion to change venue. In the case of the first juror who initially approached the trial court, it is clear based on the record that this juror had simply forgotten the prior facts and occurrences around this case that he had previously been exposed to and only remembered them when conversation with the other juror triggered his recollection. It is a sign of how little that prior knowledge impacted that juror that he had forgotten it so utterly as to not recall it during *voir dire*. As soon as his recollection of the matters was triggered, he then went to the trial court. We cannot find fault with the impartiality of such a juror.

¶ 66 The behavior of the second juror was certainly more troubling, as it was unclear why she had not initially disclosed her prior knowledge, however this was cured when the trial court struck that juror for cause on the agreement of both parties. Moreover, we do not find that any more action was required as a result of that juror's troubling behavior. As the trial court noted, there was no

indication that she said anything to any other jurors or that her conversation with the first juror had been overheard. Furthermore, as also found by the trial court, there was no indication that, even had another juror overheard the conversation, it would have affected their verdict in any way. " 'A mistrial is necessary when it appears that the jury was so influenced and prejudiced that it could not have been fair and impartial and that the damaging effect could not be cured by admonitions and instructions.' " *People v. Holliday*, 2020 IL App (5th) 160547, ¶ 37 (quoting *People v. Clark*, 231 Ill. App. 3d 571, 574-75 (1992)). Here, there is no evidence that the dismissed juror in any way influenced or prejudiced the jury. As such, we find no error in the trial court's denial of defendant's motion for a mistrial.

¶ 67 B. Sentencing Errors

¶ 68 Defendant next claims errors in sentencing, on which basis he requests that his sentence be vacated and that this cause be remanded for a new sentencing hearing. Specifically, defendant claims that the trial court relied on improper sentencing factors and evidence not properly presented during the hearing in imposing his sentence. First, defendant argues that the trial court relied upon an improperly presented victim impact statement from Mishaelia's father. Second, he argues that no evidence was presented about defendant's original 2018 charges that resulted in his conviction for obstructing justice, despite the trial court's commentary about the plea deal in that case. Finally, defendant claims that the trial court applied an erroneous double enhancement to his sentence when it found that the aggravating factor of causing serious harm was present where that fact was inherent in the offense.

¶ 69 1. Improperly Presented Victim Impact Statement

¶ 70 Defendant first takes issue with the State, during argument at sentencing, stating that Mishealia's father "chose not to write a statement or read one today" but "did give me permission

to speak to the Court on his behalf," claiming that this was an improperly presented victim impact statement. Defendant cites to two cases, *People v. Larson*, 2022 IL App (3d) 190482, and *People v. Raney*, 2014 IL App (4th) 130551, to support his contention that this was an improperly presented victim impact statement.

¶ 71 In *Raney*, the Fourth District ruled that it was improper for the sentencing court to consider, as a victim impact statement, the statement of someone who was not a victim of the crime for which defendant was being sentenced. *Id*. ¶¶ 43-45. Instead, the victim impact statement at issue was attached to the presentence investigation and pertained to the impact defendant's prior bad acts had had on the person making the statement. *Id.* In *Larson*, the Third District Appellate Court found error, though not reversible error, as the matter had already been reversed on other grounds, in the sentencing court taking into account victim impact statements from 11 people not authorized under section 6 of the Rights of Crime Victims and Witnesses Act (Act) (725 ILCS 120/6 (West 2024)) to make such statements. *Larson*, 2022 IL App (3d) 190482, ¶ 38.

¶ 72 Neither *Raney* nor *Larson* supports defendant's contention that an improperly presented victim impact statement can form reversible error. In both cases, the error was in the fact that a person unauthorized to make a victim impact statement was allowed to make one, not in its manner of presentation. *Raney*, 2014 IL App (4th) 130551, ¶¶ 43-45. *Larson*, 2022 IL App (3d) 190482, ¶ 38. Section 6(a) of the Act states that, "A crime victim shall be allowed to present an oral or written statement in any case in which a defendant has been convicted of a violent crime." 725 ILCS 120/6(a) (West 2024). A crime victim is defined under section 3 of the Act (*id*. § 3) to include "in the case of an adult deceased victim, 2 representatives who may be the spouse, parent, child or sibling of the victim, or the representative of the victim's estate." *Id*. Mishealia's father, the parent of a deceased adult victim, is clearly defined as a crime victim under the Act who is not only

authorized, but *shall* be allowed under the terms of the statute to present a victim impact statement. Thus, neither *Raney* nor *Larson*, apply here as both turned on who made the statement, not whether its manner of presentation was as outlined under the statute. *Raney*, 2014 IL App (4th) 130551, ¶¶ 43-45. *Larson*, 2022 IL App (3d) 190482, ¶ 38. Defendant cites no other case law in support of his position, and has not asked this court to examine as an issue of first impression whether the presentation of a victim impact statement may constitute reversible error. We therefore decline to do so. As such, we find no error.

¶ 73 2. Defendant's 2018 Conviction and Prior Charges

¶ 74 Defendant next claims that the trial court improperly relied upon personal knowledge related to defendant's most recent felony conviction, obstructing justice, in sentencing defendant. Defendant notes that the trial court commented that defendant had been previously charged with a "much more serious offense" and that the "former state's attorney let him plead guilty to an offense where he got a minimal prison sentence but he was still on Mandatory Supervised Release." Defendant infers from this that the trial court was relying on personal knowledge for this information, as the trial court was the State's Attorney when defendant was initially charged with that offense.

¶ 75 A trial court's reliance on facts "based upon his private investigation or based upon his private knowledge, untested by cross-examination" at sentencing is a reversible error, requiring a new sentencing hearing. *People v. Cervantes*, 2014 IL App (3d) 120745, ¶¶ 43, 47 (citing *People v. Dameron*, 196 Ill. 2d 156, 176 (2001)). Here, the question is whether the trial court relied upon personal knowledge, or upon facts properly within the record. We find that the trial court did not rely upon personal knowledge, but instead that everything the court commented upon can be found within the presentence investigation report prepared by probation and unobjected-to by either

party. With regard to defendant's 2018 conviction, that report had the following information, presented under the heading "CRIMINAL RECORD—ADULT":

"COUNTY: Saline, IL

DOCKET: 2018-CF-395

OFFENSE: Count I: Attempt First Degree Murder (Enhanced Sentence)

Count II: Aggravated Battery

Count III: Obstructing Justice-Class 4 Felony

DATE OF CONVICTION: April 29, 2020

DISPOSITION: *Guilty***.** The defendant was sentenced to 3 years in the Illinois Department of Corrections with 1 year of Mandatory Supervised Release and ordered to pay fines, plus fees, and costs. Count I and II were dismissed.

Balance: $2415.40"

The trial court needed no personal or additional knowledge to make the complained-of comments outside of the facts presented in the presentence investigation report. It is clear from that report that defendant was originally charged with a "much more serious offense," attempt (first degree murder) and then that a plea deal was reached, based upon the charges listed and the fact that counts were noted as dismissed. A disposition noting an imposition of a DOC sentence with two of three counts being dismissed is a clear denotation of the imposition of a plea deal. As such, the trial court did not commit reversible error at sentencing by relying on personal knowledge, as the record indicates no reliance on personal knowledge rather than the properly admitted presentence investigation report.

¶ 76 3. Double Enhancement

¶ 77 Finally, defendant claims that the trial court erred by imposing a double enhancement when it found that the fact that defendant's actions caused serious harm was a factor in aggravation. In noting that factor applied, the trial court stated the factor was, "without a doubt present. He shot a person in the head and killed them. It's the most serious harm imaginable." Defendant argues that this was an impermissible double enhancement, as the death of the victim is inherent in the offense of first degree murder, and therefore cannot be used to enhance a defendant's sentence.

¶ 78 A factor inherent in the offense for which a defendant has been convicted cannot also be used as an aggravating factor in determining his sentence. *People v. Phelps*, 211 Ill. 2d 1, 11 (2004). Such dual use of a single factor is often referred to as a "double enhancement," and its prohibition is premised on the assumption that our General Assembly considered the factors inherent in the offense in designating the range of punishment. *Id.* at 12. However, while the statutory factor of causing serious harm is inherent in the offense of first degree murder, in looking at cases where death is an element of the offense, a sentencing court may nonetheless "consider the force employed and the physical manner in which the victim's death was brought about." *People v. Saldivar*, 113 Ill. 2d 256, 269-71 (1986). In determining whether the trial court based its sentence on proper aggravating and mitigating factors, a reviewing court should consider the record as a whole rather than focusing on a few words or statements by the trial court. *People v. Dowding*, 388 Ill. App. 3d 936, 943 (2009).

¶ 79 Here, in taking the record as a whole, it is clear that the trial court was not utilizing the fact that Mishealia was killed as an aggravating factor, but rather the manner of her death, as is permitted. In reciting the applicable aggravating factors, the trial court specifically noted that Mishealia was shot "in the head" and its overall emphasis was on the manner of her death and the

disposal of her body like "garbage." It spoke of defendant's alleged reasoning for killing Mishealia, her having rolled her eyes and disrespected him, and noted that as being a particularly "callous act of cold-blooded murder because of his own ego, apparently, and his temperament and his character." With regard to the manner of Mishealia's murder, the trial court also placed significant emphasis on defendant's statements that he was "a professional when it comes to handling firearms," further emphasizing that it was the trial court's view that the manner of Mishealia's death was a callous one.

¶ 80 Furthermore, in looking at the overall record, it is clear that defendant's sentence was well justified by defendant's overall actions in this case. In addition to factors related to the manner of Mishealia's death, the trial court emphasized defendant's treatment of Vailes, forcing her to help him cover for his crime, his lack of remorse and even his behavior during the sentencing hearing. Based on the overall record, we do not find that the trial court utilized the mere fact of Mishealia's death as double enhancement to increase defendant's sentence, and thus find no error.

¶ 81 III. CONCLUSION

¶ 82 For the foregoing reasons, we affirm the judgment of the circuit court of Saline County.

¶ 83 Affirmed.