

NOTICE
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2025 IL App (5th) 241326-U

NO. 5-24-1326

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,)	Jefferson County.
)	
v.)	No. 24-CF-369
)	
DYLAN BISHOP,)	Honorable
)	Jerry E. Crisel,
Defendant-Appellant.)	Judge, presiding.

JUSTICE MOORE delivered the judgment of the court.
Justices Cates and Barberis concurred in the judgment.

ORDER

¶ 1 *Held:* The circuit court’s orders granting the State’s verified petition to deny pretrial release and denying the defendant’s motion for relief are affirmed.

¶ 2 The defendant, Dylan Bishop, appeals the December 11, 2024, denial of his motion for relief and immediate release and the December 3, 2024, order of the circuit court of Jefferson County that granted the State’s petition to deny him pretrial release.

¶ 3 I. BACKGROUND

¶ 4 On November 27, 2024, the defendant was charged by information with aggravated driving under the influence of a drug or drugs, specifically tetrahydrocannabinol and methamphetamine, that resulted in a death, a Class 2 felony (count I), and aggravated driving under the influence of

drugs, a Class 2 felony (count II), both charges stemmed from a motor vehicle crash which occurred on May 7, 2024. The same day, a warrant of arrest was issued for the defendant.

¶ 5 On December 2, 2024, the State filed a verified petition to deny the defendant pretrial release based upon the defendant being charged with aggravated driving under the influence resulting in death and that the defendant's pretrial release would pose a real and present threat to the safety of any person or persons of the community. On December 3, 2024, the circuit court, the Honorable Johannah B. Weber, held a hearing on the State's petition.

¶ 6 At the hearing, the State offered documents in support of its petition including Jefferson County sheriff's office report S24-03004 and a report from the Illinois State Police division of forensic services toxicology laboratory. Next, the State proffered evidence of the charged offenses. The State proffered expected testimony from Deputy Monty Ewing of the Jefferson County sheriff's office and Detective Bobby Wallace of the Jefferson County sheriff's office as to the following.

¶ 7 On May 7, 2024, Ewing responded to north Illinois Highway 37 in Jefferson County, Illinois, for the report of a crashed vehicle. Ewing observed a single vehicle crash had occurred. The crashed vehicle appeared to have been traveling northbound when it left the roadway to the east, overturned, and eventually came to rest upside down in a flooded creek. Ewing observed a female lying down in the roadway. Ewing also made contact with the defendant.

¶ 8 Ewing spoke to the defendant, who identified himself as the driver. The defendant reported that he had hit a hole in the roadway causing his truck to go off the east side of the roadway and overturn. The defendant was concerned about his cell phone that had been placed on the rear of another vehicle that had stopped to offer assistance. Further, the defendant stated that he was concerned about his grandmother, who was not on the scene, because he needed to give her

medication so she did not die. The defendant described where the medication was located to Ewing. Ewing found it odd that the defendant was not concerned with the woman lying on the roadway who was not responding to Ewing's questions.

¶ 9 Ewing asked if the defendant was under the influence of alcohol or drugs, and the defendant indicated that he was not. Ewing asked the defendant if he would consent to blood and urine testing. The defendant declined, stating that he needed to get to work and did not have time and that he was afraid of needles.

¶ 10 Wallace responded to the scene and performed field sobriety tests on the defendant. During the field sobriety tests, the defendant displayed signs of impairment. As the female lying in the roadway had suffered bodily injury, the defendant was subjected to urine and blood testing pursuant to statute.

¶ 11 Wallace identified the woman in the roadway as 32-year old Jamie Carroll. Carroll was transported to a hospital in St. Louis, Missouri, due to her injuries. Carroll suffered major injuries as a result of being ejected from the vehicle during the crash. Carroll suffered spinal injuries, including a severed spinal column. The prognosis for Carroll was that she would be a quadriplegic, requiring extensive medical apparatuses to sustain her life. Carroll, during moments of lucidity, and her family made the decision not to place Carroll on life support or undergo spinal surgery. Carroll later succumbed to her injuries.

¶ 12 The State proffered that it would admit a lab report prepared by Tara Kerns and would expect Kerns to testify as an expert witness in the field of forensic toxicology. Kerns analyzed the blood and urine taken from the defendant on May 7, 2024. The blood test revealed the presence of amphetamines and methamphetamines, as well as Delta-9-Tetrahydrocannabinol, THC, in the amount of 2.1 nanograms per milliliter, which would be over the legal limit for DUI purposes.

¶ 13 The State argued that the defendant admitted that he was driving, he claimed that the crash was due to a hole in the roadway, which was not observed based upon Ewing's report, and as a proximate result of the defendant's driving and crash, there was a fatality. The blood tests revealed that the defendant tested positive for the presence of amphetamine, methamphetamine, and THC. The State argued that it had a very high likelihood of success in the event the case proceeds to trial. If convicted of either Class 2 felony, the defendant would face between 3 to 14 years in the Illinois Department of Corrections.

¶ 14 The State argued that there is a legitimate risk to the public that the defendant will continue to use and abuse controlled substances. The State argued that releasing the defendant with pretrial conditions would be insufficient to secure the safety of the public, including drivers on the roadways and/or any other occupants of a vehicle the defendant could have access to.

¶ 15 Defense counsel argued that the defendant has ties to the community. The defendant is 25 years old and has lived in Jefferson County for approximately 3 years with his mother, brother, sister, niece, grandmother, and brother-in-law. He has been employed at a local factory for approximately two years. The defendant has no criminal history and scored a 0 on the Virginia Pretrial Risk Assessment tool. Also, the defendant wished to be present for the birth of his child, which was scheduled to occur the following day by cesarean section.

¶ 16 Defense counsel argued that the defendant was prescribed Adderall, which could explain the false positive for methamphetamine. Additionally, defense counsel stated that the defendant denied that he was driving the vehicle that crashed. The defendant asserts that the decedent, Carroll, was driving and not wearing a seat belt. The defendant further denied telling the responding law enforcement officer that he was driving.

¶ 17 In response, the State argued that the assertion that the defendant was not driving is absurd considering the admission he made would be on Ewing's body camera footage and the fact that the defendant participated in field sobriety tests. Further, Adderall might explain the presence of amphetamines but not the presence of methamphetamine and THC above the legal limit. The State maintained that no conditions of pretrial release could protect the public because the defendant could still leave his home and operate a motor vehicle endangering the public.

¶ 18 The circuit court granted the State's petition to deny pretrial release. The circuit court found that by clear and convincing evidence the State proved that the defendant committed a qualifying offense listed under section 110-6.1(a)(6.5)(E) of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/110-6.1(a)(6.5)(E) (West 2022)). The circuit court also found the defendant posed a real and present threat to the safety of others in the community and that there are no conditions or combinations of conditions that could mitigate the real and present safety threat. The circuit court's written order specifically found that less restrictive conditions would not assure the safety of any person or persons or the community based on the following: "strength of State's case, no assurance that defendant would abstain from controlled substances and/or vehicles, nature of charges (mandatory incarceration)." The written order also stated the reasons for concluding that the defendant should be denied pretrial release as follows: "to protect the public, other drivers, and to [ensure] the defendant doesn't use/abuse drugs, risk of re-offending."

¶ 19 On December 5, 2024, the defendant filed a motion for relief and immediate pretrial release under Illinois Supreme Court Rule 604(h)(2) (eff. Apr. 15, 2024). The circuit court, the Honorable Jerry E. Crisel, conducted a hearing on the motion for relief on December 11, 2024. At the hearing, defense counsel repeated the information that was previously provided to the circuit court regarding the defendant's background, including age, living arrangements, employment, and

family. Additionally, defense counsel proffered that the defendant denied he was driving. The defendant reported he was in shock when he told officers he was driving but alleged that he was not the one driving.

¶ 20 Defense counsel argued that at the hearing on the State’s petition to deny pretrial release, the circuit court did not give “enough weight” into the consideration of the defendant’s ties to the community, his employment opportunities, his lack of criminal history, and his willingness to abide by terms of pretrial release. When answering a clarifying question from the circuit court, defense counsel stated, “I believe all was considered by Judge Weber, but we didn’t think she put enough weight into his extensive ties with the community, his employment opportunities, as we stated, his lack of criminal history, and his willingness to abide by the terms of pretrial release.”

¶ 21 The State also proffered substantially the same information as it did at the original hearing. Ewing was wearing a body-worn camera when he responded to the crash and it captured the entirety of his encounter with the defendant. Ewing made contact with the defendant, who was freely walking around the area of the crash. The defendant responded that he had been driving the vehicle, that he struck a pothole which caused him to lose control and roll the vehicle several times, and that Carroll had been thrown from the vehicle. Ewing observed odd behavior from the defendant and noted that at no point did the defendant convey any concern for Carroll other than to make an offhand statement that he hoped that she had not died. In response to questions from the circuit court, the State advised that the crash occurred on May 7, 2024, at 9:23 a.m., and that Carroll died 15 days after the crash.

¶ 22 The circuit court denied the motion for relief and made the following, *inter alia*, oral pronouncements:

“At any rate, what I have in front of me is that there was a person driving and wrecked a vehicle resulting in the death of somebody, and this is very troubling, and I believe the State’s case is—at least what I’ve heard indicated that they would have a strong likelihood of success.

The defendant does have a lack of criminal history. He does have some employment history, not extensive. He does want to work according to his attorney. He does have ties to the community, and all those things are good.

One of the things I consider is a danger to the public. I believe that was something that Judge Weber gave considerable consideration to was how difficult it would be to protect the public from someone who is alleged to be a user of methamphetamine and I guess other drugs. At any rate, the State’s allegation that this was drug related, impairment because of drugs or possibly alcohol is a strong allegation and that puts the public in danger.

The Court’s concerned that—I really don’t know how that I can impose a condition on pretrial release or any combination of conditions that would ensure that the defendant would, number one, abide by the law, and number two, appear in court and mainly abide by the law and that the public would not be in danger by this type of behavior. So it’s a very sobering situation and a very tragic, as well.

So I believe that the defense motion is not persuasive to me. Even when I look at it in its most favorable light to the defendant, it’s not persuasive to me, and I believe that the State has met it by clear and convincing evidence so I’m going to deny your motion.”

The circuit court admonished the defendant regarding his appeal rights. The defendant filed a timely notice of appeal the same day.

¶ 23

II. ANALYSIS

¶ 24 Illinois Supreme Court Rule 604(h) governs appeals stemming from the enactment of Public Act 101-652 (eff. Jan. 1, 2023). See *Rowe v. Raoul*, 2023 IL 129248, ¶ 52 (vacating the stay of the pretrial release provisions in Public Act 101-652 on September 18, 2023). The relevant portions of Rule 604(h) provide:

“(1) Orders Appealable. An appeal may be taken to the Appellate Court from an interlocutory order of court entered under sections 110-5, 110-6, and 110-6.1 of the Code of Criminal Procedure of 1963 as follows:

(i) by the State and by the defendant from an order imposing conditions of pretrial release;

(ii) by the defendant from an order revoking pretrial release or by the State from an order denying a petition to revoke pretrial release;

(iii) by the defendant from an order denying pretrial release; or

(iv) by the State from an order denying a petition to deny pretrial release.

(2) Motion for Relief. 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. The trial court shall promptly hear and decide the motion for relief. Upon appeal, any issue not raised in the motion for relief, other than errors occurring for the first time at the hearing on the motion for relief, shall be deemed waived.

* * *

(7) Memoranda. The motion for relief will serve as the argument of the appellant on appeal. The appellant may file, but is not required to file, a memorandum not exceeding

4500 words, within 21 days of the filing of the record on appeal. Issues raised in the motion for relief are before the appellate court regardless of whether the optional memorandum is filed. If a memorandum is filed, it must identify which issues from the motion for relief are being advanced on appeal.” Ill. S. Ct. R. 604(h) (eff. Apr. 15, 2024).

¶ 25 In this case, the defendant filed a motion for relief on December 5, 2024. The motion for relief argued that the State failed to meet its burden of proving by clear and convincing evidence that (1) the proof is evident or the presumption great that the defendant has committed a detainable offense, (2) the defendant poses 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 (3) no conditions or combination of conditions can mitigate the real and present threat to the safety of any person or persons.

¶ 26 The Office of the State Appellate Defender was appointed to represent the defendant. A Rule 604(h)(7) memorandum was filed on behalf of the defendant. On appeal, the defendant only argues that the State failed to prove that conditions of release could not mitigate any threat to the safety of the public. The other issues raised in the motion for relief, but not argued in the Rule 604(h)(7) memorandum, were abandoned on appeal.

¶ 27 Pretrial release—including the conditions related thereto—is governed by Public Act 101-652, § 10-255 (eff. Jan. 1, 2023). See Pub. Act 102-1104, § 70 (eff. Jan. 1, 2023) (amending various provisions of the Act); *Rowe v. Raoul*, 2023 IL 129248, ¶ 52 (lifting stay and setting effective date as September 18, 2023). A defendant’s pretrial release may be denied only in certain statutorily limited situations. 725 ILCS 5/110-6.1 (West 2022). Upon filing a timely, verified petition requesting denial of pretrial release, the State has the burden to prove by clear and convincing evidence that the proof is evident or the presumption great that the defendant has

committed a qualifying offense, that the defendant’s pretrial release poses a real and present threat to the safety of any person or the community or a flight risk, and that less restrictive conditions would not avoid a real and present threat to the safety of any person or the community and/or prevent the defendant’s willful flight from prosecution. *Id.* § 110-6.1(e), (f). The State or the defendant may present evidence to the trial court by way of proffer based upon reliable information. *Id.* § 110-6.1(f)(2). The trial court may order a defendant detained pending trial if the defendant is charged with a qualifying offense, and the trial court concludes the defendant poses a real and present threat to the safety of any person or the community (*id.* § 110-6.1(a)(1)-(7)) or there is a high likelihood of willful flight to avoid prosecution (*id.* § 110-6.1(a)(8)).

¶ 28 To set appropriate conditions of pretrial release where the State has filed a petition to detain, the circuit court must determine whether the State has met its burden by clear and convincing evidence, what pretrial release conditions, “if any, will reasonably ensure the appearance of a defendant as required or the safety of any other person or the community and the likelihood of compliance by the defendant with all the conditions of pretrial release.” *Id.* § 110-5(a). In reaching its determination, the circuit court must consider (1) the nature and circumstances of the offense charged; (2) the weight of the evidence against the person; (3) the history and characteristics of the person;¹ (4) the nature and seriousness of the specific, real, and present threat to any person that would be posed by the person’s release; and (5) the nature and seriousness of

¹The defendant’s history and characteristics include: “the defendant’s character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past relating to drug or alcohol abuse, conduct, *** criminal history, and record concerning appearance at court proceedings,” as well as “whether, at the time of the current offense or arrest, the defendant was on probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under federal law, or the law of this or any other state.” 725 ILCS 5/110-5(a)(3)(A), (B) (West 2022).

the risk of obstructing or attempting to obstruct the criminal justice process. *Id.* The statute lists no singular factor as dispositive. See *id.*

¶ 29 Our standard of review of pretrial release determinations is twofold. Where the circuit court is asked to consider the testimony of live witnesses, and make factual findings, such as the State's burden of presenting clear and convincing evidence that conditions of pretrial release would not protect any person or the community, the defendant has a high likelihood of willful flight to avoid prosecution, or the defendant failed to comply with previously ordered conditions of pretrial release, our standard of review is the manifest weight of the evidence. *People v. Morgan*, 2025 IL 130626, ¶ 54. "A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly evident or if the finding itself is unreasonable, arbitrary, or not based on the evidence presented." *People v. Deleon*, 227 Ill. 2d 322, 332 (2008). Alternatively, where the parties to a pretrial detention hearing proceed solely by proffer or submission of documentary evidence, this court stands in the same position as the circuit court and may conduct its own independent review of the proffered evidence, thus reviewing the record *de novo*. *Morgan*, 2025 IL 130626, ¶ 54. In the present matter, the parties proceeded solely by proffer, so we will employ *de novo* review.

¶ 30 We have independently reviewed the evidence proffered to the circuit court at the original hearing on the State's petition to detain the defendant and at the hearing on the defendant's motion for relief. Like the circuit court, when considering whether a pretrial condition or combination of conditions could reasonably ensure the safety of any other person or the community, we consider the five factors set out in the Code: (1) the nature and circumstances of the offense charged; (2) the weight of the evidence against the person; (3) the history and characteristics of the person; (4) the nature and seriousness of the specific, real, and present threat to any person that would be posed

by the person's release; and (5) the nature and seriousness of the risk of obstructing or attempting to obstruct the criminal justice process. 725 ILCS 5/110-5(a) (West 2022). No singular factor is dispositive. See *id.*

¶ 31 In the present matter, the defendant was charged with aggravating driving under the influence which resulted in a death. The defendant is facing a very serious charge, and if convicted, is facing mandatory time in the Illinois Department of Corrections. The weight of the proffer against the defendant is strong given his admission to the responding officer, which is recorded on the officer's body-worn camera, that he was driving. If released, the defendant's ability to continue to operate a motor vehicle on public roadways while impaired is a serious and real threat to other persons of the community. The defendant's history and characteristics are also considered; however, they do not overcome the threat to the public.

¶ 32 Accordingly, we agree with the circuit court that no condition or combination of conditions can reasonably ensure the safety of the public and pretrial detention is appropriate. The circuit court's orders of December 3, 2024, and December 11, 2024, are affirmed.

¶ 33 III. CONCLUSION

¶ 34 Based on the foregoing reasons, we affirm the circuit court's orders of December 3, 2024, and December 11, 2024.

¶ 35 Affirmed.