2025 IL App (5th) 250279-U

NO. 5-25-0279

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Jefferson County.
	)	
v.	)	No. 25-CF-67
	)	
EDDIE G. BENNETT,	)	Honorable
	)	Jerry E. Crisel,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE SHOLAR delivered the judgment of the court.
Presiding Justice McHaney and Justice Vaughan concurred in the judgment.

ORDER

¶ 1 *Held*: The circuit court did not err by detaining defendant where the State met its burden to show that defendant committed a qualifying offense, posed a real and present threat to a person or the community, and no combination of conditions would mitigate that threat.

¶ 2 The defendant, Eddie G. Bennett, appeals the March 26, 2025, order of the circuit court of Jefferson County that granted the State's petition to deny him pretrial release. Defendant filed a motion for relief which was denied on April 1, 2025. Defendant filed a timely notice of appeal, and the Office of the State Appellate Defender (OSAD) was appointed to represent defendant. OSAD filed a notice in lieu of Rule 604(h)(7) memorandum. We acknowledge that defendant is not required to file a memorandum, and the motion for relief will represent defendant's argument on appeal. Defendant's motion for relief argues that the State did not meet its burden in showing

that defendant committed a qualifying offense, that defendant posed a real and present threat to specific persons or the community, and that no conditions or combination of conditions could mitigate that threat. For the reasons that follow, we affirm.

¶ 3 I. BACKGROUND

¶ 4 On March 25, 2025, the State charged defendant by information with three counts of first degree murder, Class M felonies. Each count is related to the death of Patrick Williamson. Count I alleged that defendant, without legal justification, beat Mr. Williamson about the head and body, knowing that such an act created a strong probability of death or great bodily harm to Mr. Williamson. Counts II and III alleged that defendant caused the death of Mr. Williamson while committing a forcible felony. The same day, the State filed a verified petition to detain defendant, and defendant made his initial appearance. The public defender was appointed to represent defendant, and the matter was set for a hearing on the State's petition to detain on March 26, 2025.

¶ 5 At the detention hearing, the State proffered that, on March 24, 2025, at 5:53 a.m., officers from the Mt. Vernon Police Department were called to a home regarding an unconscious male who was not breathing. The police found Patrick Williamson face down on the floor of the home and determined that he was deceased. Officers observed that Williamson had lacerations to his nose and above his left eye. The occupants of the home, Peter Harris and Laura Beneway, initially told police that they left the house for a morning walk two hours earlier and found Williamson upon their return. Beneway told the police that Williamson often abused drugs. Later that morning, Harris and Beneway were separately interviewed multiple times at the police department.

¶ 6 Harris's version of what occurred the night before evolved over the course of his interviews with the police. Harris first told the police that late in the evening of March 23, he and Beneway left the house to go for a walk. Upon their return, they found the victim in the front room of the

house and the house in disarray. Not knowing what to do, Harris told police that they walked to another residence and spoke briefly with Pamela Rush, who then told the couple to leave. During the next interview, Harris told the police that he was at home with Beneway and defendant when Williamson arrived at the house. Harris said that Bennett confronted Williamson over Williamson's "advances" toward Beneway, which led to a physical confrontation.

¶ 7 Harris also told police that Beneway, believing that Williamson would be in possession of crack cocaine and $200, had the idea of robbing Williamson. Harris said that he, Beneway, and Bennett discussed robbing Williamson before Williamson arrived at the house. Harris admitted that he held Williamson from behind by the arms while Bennett punched Williamson. Bennett continued to punch Williamson when he was on the floor. Harris denied seeing Bennett stomp Williamson's head. After the beating, Harris and Beneway left the house and went for a walk before going to Pamela Rush's home seeking guidance, since they knew that Bennett lived with Rush. Finally, Harris told police that others present during the altercation were Rush, Aronza Jackson, and "Turnup" (later identified as Melvin Sharkey).

¶ 8 Beneway's version of events likewise evolved over several interviews. Beneway first told the police that she met Williamson nine months earlier through a friend, and that Williamson smoked crack and often sought out sexual encounters. The night before, Williamson called Beneway around 10:30 or 11 p.m. Beneway told police that she and Harris left the home unsecured and went for a two-hour walk before returning home and finding Williamson on the floor. In a subsequent interview, Beneway told the police that Bennett unexpectedly entered the house and confronted Williamson over his "being with" Bennett's girlfriend, Pamela Rush. Bennett attacked Williamson, choking him before stomping Williamson's face with his boots. She and Harris were present, but they were too afraid to intervene. Beneway also told police that Rush was present, but

fled as soon as Bennett arrived at the house. Beneway added that Bennett threatened her and Harris and told them to "remain silent."

¶ 9 During a later interview, Beneway stated that, in addition to her, Harris, Bennett, and Rush, "Turnup" and Jackson were also present during the attack. She, Harris, and Bennett were all in the kitchen when Williamson arrived at the house. Williamson took a seat next to Rush, which triggered Bennett's violent response. When the fighting started, Rush, Jackson, and "Turnup" all left the house. During this interview, Beneway claimed that Harris tried to intervene in the fight to no effect. Harris told Beneway that, after the fight, Bennett took money, totaling $25, from Williamson's wallet.

¶ 10 During the next interview, although Beneway denied any robbery setup, she told police that Bennett had mentioned robbing Williamson. Beneway also stated that Rush, Jackson, and "Turnup" were present, but that they were unaware of the plan to rob Williamson. Beneway subsequently admitted that she, Harris, and Bennett planned the robbery, that Harris held Williamson's arms back during the attack, and that she saw Bennett stomp Williamson's head three times, causing Williamson's death. She told the police that Bennett threatened her and Harris, and told them not to mention his name. When she and Harris went to see Bennett at Rush's house, Bennett told them to drive Williamson to the hospital and to leave him there.

¶ 11 The State further proffered that Aronza Jackson was interviewed and told the police that she was at Rush's house with "Turnup" when Beneway called and invited them over. Once at Beneway's house, Jackson saw Harris and Bennett on the back porch, but did not interact with them. Jackson told police that Beneway "kept peeking out the front door, as if she were looking for someone." Jackson told police that Bennett looked agitated when he entered the room and said that someone was pulling up in a car. After Williamson entered the house, Bennett confronted him

and accused him of being involved with Bennett's wife. Bennett then aggressively grabbed Williamson's shirt, and, according to Jackson, she and the others left the house. The police also interviewed "Turnup." His statement matched Jackson's statement to the police.

¶ 12 Defendant was also interviewed. According to the State's proffer, defendant told police that he was in town visiting Rush, and that he had been dating her off and on for a year. Defendant admitted to being at Beneway's house but denied involvement in any altercation. Defendant denied knowing Williamson, and suggested that Beneway and Harris were involved in Williamson's death.

¶ 13 The State noted that defendant was already on pretrial release for unlawful possession of a controlled substance in Jefferson County case No. 25-CF-5, and that one of the conditions of his pretrial release in that matter was that he not violate the law. The State also noted that defendant had a pending misdemeanor charge for aggravated assault with a deadly weapon in Washington County, Illinois. Finally, the State detailed defendant's criminal history going back to 1979, which involved several lengthy sentences of imprisonment in both state and federal prison.

¶ 14 The State argued that its likelihood of success at trial would be high given witness statements that defendant was the primary violent actor in Williamson's murder. The State also argued that Beneway expressed fear of defendant, and that she told police the defendant threatened her and Harris if they mentioned his name in connection with the killing. The State asserted that detention was necessary to protect Beneway, Harris, Jackson, and "Turnup." The State also argued that defendant was a flight risk given defendant's "advanced age" of 67. The State noted that even a minimum sentence of 20 years' imprisonment would effectively be a life sentence for defendant. The State concluded that detention was appropriate "as there are no less-restrictive means available

to" ensure defendant's compliance with court "orders or to ensure that he will show up for court dates and not continue to violate the law."

¶ 15 Defense counsel argued that defendant lived in a neighboring county and had substantial ties to Illinois and Jefferson County, including family living in Mt. Vernon. She also noted defendant's poor health and an upcoming MRI appointment due to a likely prostate cancer diagnosis. Counsel asked that, should defendant be detained, that he be granted a medical furlough—something that the court had done for defendant while he was awaiting trial in a 2018 matter, and that defendant had always appeared when required. Counsel further noted that defendant's criminal history reflected a drug problem, and that defendant's prior charges were not crimes of violence. Being on disability, counsel argued that defendant did not have the financial means to flee. Counsel argued that defendant cooperated with the police, maintained his innocence, and that the evidence against defendant was based on the statements of two codefendants who repeatedly lied to the police about their own involvement. Regarding the State's claim that defendant was a threat to others, counsel noted that Harris and Beneway have also been detained for this offense, so defendant would not be a threat to them if released, and that neither Jackson nor "Turnup" said that they are afraid of defendant.

¶ 16 After considering the State's proffer and the arguments of counsel, the circuit court ordered defendant detained. In its oral pronouncement, the court acknowledged the State's burden of proof. In favor of pretrial release, the court noted that defendant had "some connection to the community." Beyond that, the court noted the nature of the charges and found that likelihood of conviction to "be pretty high." Considering the chances of conviction and a sentence range of 20 to 60 years' imprisonment, the court found there to be "a greater-than-usual risk of flight." The court commented that defendant had an extensive criminal history, and noted that although that

history appeared to be nonviolent, the current charge involved the brutal beating of another person. Noting the evidence that defendant threatened Beneway and Harris, the court expressed concern for the safety of the public in general, and for witnesses Jackson and "Turnup" in particular. Commenting that electronic home confinement does not involve bars and shackles, that defendant could walk away from it at any time, and that defendant already violated the terms of his previous release in the unrelated case, the court found that there were no conditions or combination of conditions that would protect the public or assure defendant's appearance in court.

¶ 17 In its written order, the circuit court found clear and convincing evidence that the proof was evident or the presumption great that defendant committed a qualifying offense under the Pretrial Fairness Act. The court further found by clear and convincing evidence that defendant posed a real and present threat to the safety of any person or persons in the community based upon the articulable facts of the case, and that no conditions could mitigate the real and present threat to the safety of any person or the community. The court's finding that less restrictive means would not assure the safety of others was based upon: "Nature of the offense and charges, mandatory prison nature of sentence, strength of State's case, criminal history of the Defendant, organized nature of the case, attempts at minimization during interviews." The court's reasons for concluding defendant should be denied pretrial release were as follows: "Nature of the offense, strength of State's case, criminal history of [the] Defendant, organized nature of the offense, to prevent harm done to any witnesses such as Aronza Jackson or Melvin Sharkey." With regard to willful flight, the court found that less restrictive means would not assure defendant's appearance in court based upon: "Electronic monitoring or a similar condition would be insufficient to insure appearance at all further court dates because of threat of flight and nature of case." The court's reasons for concluding defendant should be denied pretrial release were as follows: "Advanced age of

Defendant relative to the lengthy mandatory prison sentence if convicted, strength of State's case factored into threat of flight."

¶ 18 On March 27, 2025, defendant filed a motion for relief pursuant to Rule 604(h)(2). Defendant's motion argued: (a) the circuit court erred by finding the presumption great that defendant committed a detainable offense in that the State's proffer regarding defendant's involvement in the murder of Williamson came from codefendants who lied to the police and minimized their own involvement; (b) the court failed to take defendant's failing health, age, and physical condition into account (1) as a reason as to why defendant would comply with conditions of pretrial release and (2) in assessing defendant as a danger to the community; (c) the court failed to take into account defendant's willingness to comply with any terms of pretrial release, and more specifically, that defendant has never been subjected to home confinement as a condition of pretrial release, and the State had the burden of demonstrating that this was not a viable option; (d) the court failed to consider defendant's age, health, and lack of financial resources in determining that defendant is a flight risk; (e) that the court failed to consider defendant's prior history of abiding by court orders to appear in court as directed, particularly in light of "defendant's proven history of appearing after medical furloughs" in a prior case; (f) that the court erred by determining that defendant posed a safety threat to Jackson and "Turnup" since there was no specific threat of harm to them; (g) that the court erred by declaring defendant a danger to the community; and, (h) that the court erred by finding defendant to be a threat to the community in the absence of defendant's lack of a history or reputation for violent, abusive, or assaultive behavior.

¶ 19 On April 1, 2025, the State filed a supplemental information adding a fourth count of first degree murder, also alleging that defendant caused Mr. Williamson's death while committing a forcible felony. On that same date, following defendant's preliminary hearing, the circuit court

heard defendant's motion for relief. Both parties stood on their arguments from the prior hearing, although defendant submitted an exhibit showing that he had a CT scan scheduled the following afternoon.

¶ 20 The circuit court first found that the State established probable cause during the preliminary hearing. The judge then denied defendant's motion for relief, stating that he was not going to change his original ruling. Additionally, the court noted defendant's presumption of innocence, then stated that if the evidence is proven beyond a reasonable doubt, "this was a very brutal murder."

¶ 21 Defendant filed a timely notice of appeal.

¶ 22 II. ANALYSIS

¶ 23 On appeal, OSAD was appointed to represent defendant. OSAD did not file a memorandum but filed a notice in lieu of Rule 604(h)(7) memorandum. "Issues raised in the motion for relief are before the appellate court regardless of whether the optional memorandum is filed." Ill. S. Ct. R. 604(h)(7) (eff. Apr. 15, 2024). Therefore, our review is limited to the issues raised by defendant in his motion for relief.

¶ 24 In his motion for relief, defendant argued that the State failed to meet its burden of proving by clear and convincing evidence that the proof was evident or presumption great that the defendant committed a qualifying offense. Further, defendant's motion for relief argued that the State failed to meet its burden of proof that he posed a real and present threat to the safety of any person or persons or the community. Lastly, defendant argued that the State failed to meet its burden of proof that less restrictive conditions would not avoid the real and present threat to the safety of any person or the community.

¶ 25 Section 110-2(a) of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/110-2(a) (West 2022)), hereinafter as amended by Public Act 101-652, § 10-255 (eff. Jan. 1, 2023), commonly known as the Pretrial Fairness Act (Act) (see Pub. Act 102-1104, § 70 (eff. Jan. 1, 2023) (amending various provisions of the Act); *Rowe v. Raoul*, 2023 IL 129248, ¶ 52 (setting the Act's effective date as September 18, 2023)), provides that all criminal defendants are presumed eligible for pretrial release, subject to certain conditions. This presumption is applicable to all detainable offenses, including the ones with which defendant is charged. The State may petition for pretrial detention if (1) a defendant is charged with a detainable offense as enumerated in the Code; (2) the defendant's release would pose "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," or the defendant "has a high likelihood of willful flight to avoid prosecution"; and (3) "no condition or combination of conditions" can mitigate the threat or likelihood of flight. 725 ILCS 5/110-6.1(a)(8), (e)(1)-(3) (West 2022). The State has the burden to prove by clear and convincing evidence that any condition of pretrial release is necessary. *Id.* § 110-2(b).

¶ 26 Under the recent supreme court decision in *People v. Morgan*, 2025 IL 130626, ¶ 54, when the parties to a pretrial detention hearing proceed solely by proffer, as they did here, "the reviewing court is not bound by the circuit court's factual findings and may therefore conduct its own independent *de novo* review of the proffered evidence and evidence otherwise documentary in nature." Under the *de novo* standard, a reviewing court performs the same analysis that the trial court would perform. *People v. McDonald*, 2016 IL 118882, ¶ 32.

¶ 27 Defendant's motion for relief argued the State "failed to meet its burden of proof of providing by a clear and convincing evidence that [the] proof was evident or presumption great that the defendant ha[d] committed an offense." We have thoroughly reviewed the record on appeal

in this matter. The circuit court heard a proffer from the State that included, *inter alia*, that defendant participated in a scheme to rob Williamson of his money and ended up beating Williamson to death during the course of the robbery. Although much of the evidence against defendant came from his codefendants and their evolving versions of the event, the codefendants' final versions of the incident were bolstered by statements provided to the police by Jackson and "Turnup." We find defendant was charged with detainable offenses under the Act, and the evidence proffered at the detention hearing was sufficient to establish that defendant committed the offenses charged. Therefore, the circuit court did not err by finding the State met its burden of proof that defendant had committed a detainable offense.

¶ 28 Next, defendant's motion for relief argued that the State failed to establish by clear and convincing evidence that he presented a real and present threat to a person or the community. According to section 110-6.1(g) of the Code, the factors a trial court may consider in determining whether a defendant poses a real and present threat include:

> "(1) The nature and circumstances of any offense charged, including whether the offense is a crime of violence, involving a weapon, or a sex offense.
>
> (2) The history and characteristics of the defendant including:
>
> (A) Any evidence of the defendant's prior criminal history indicative of violent, abusive or assaultive behavior, or lack of such behavior. ***
>
> (B) Any evidence of the defendant's psychological, psychiatric or other similar social history which tends to indicate a violent, abusive, or assaultive nature, or lack of any such history.

(3) The identity of any person or persons to whose safety the defendant is believed to pose a threat, and the nature of the threat.

(4) Any statements made by, or attributed to the defendant, together with the circumstances surrounding them.

(5) The age and physical condition of the defendant.

(6) The age and physical condition of any victim or complaining witness.

(7) Whether the defendant is known to possess or have access to any weapon or weapons.

(8) Whether, at the time of the current offense or any other offense or arrest, the defendant was on probation, parole, aftercare release, mandatory supervised release or other release ***.

(9) Any other factors *** deemed by the court to have a reasonable bearing upon the defendant's propensity or reputation for violent, abusive, or assaultive behavior, or lack of such behavior." 725 ILCS 5/110-6.1(g) (West 2022).

¶ 29 Here, defendant was charged with first degree murder, and the evidence suggested it was a particularly brutal murder. Although defendant's criminal history is not reflective of violent behavior, the circuit court expressed concern that defendant's behavior, as evidenced by the proffer, is "somewhat unpredictable." The court also heard evidence that defendant threatened his codefendants if they mentioned his involvement in the offense, and expressed concern for the safety of Jackson and "Turnup" as well as the public in general. The record demonstrates that the circuit court appropriately considered and weighed the section 110-6.1(g) factors in concluding that defendant is a real and present threat to the safety of other people and the community.

¶ 30 Lastly, defendant's motion for relief argues the circuit court erred by finding that no condition or combination of conditions of release would reasonably mitigate the real and present threat he poses to a specific person or the community, or to ensure that defendant would appear for later hearings. If the circuit court finds that the State proved a defendant poses a real and present threat to a person's safety or the community, then the court must determine what pretrial 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 trial court must consider (1) the nature and circumstances of the offense charged; (2) the weight of the evidence against the defendant; (3) the history and characteristics of the defendant; (4) the nature and seriousness of the specific, real, and present threat to any person that would be posed by the defendant's release; and (5) the nature and seriousness of the risk of obstructing or attempting to obstruct the criminal justice process. *Id.*

¶ 31 In the case at hand, the circuit court evaluated whether detention was necessary to provide for the safety of any person or persons or the community. The court made a written finding that denial of pretrial release was appropriate. As noted above and with regard to the safety of other people and the community, the court noted that the proffer included evidence of threats against the codefendants. The court also expressed concern for the safety of Jackson and "Turnup." The court commented that electronic home confinement does not involve bars and shackles and that defendant could walk away at any time. The court also found that defendant already violated the terms of his pretrial release in an unrelated case. Regarding the need to ensure defendant's presence at future court dates, the court concluded, given the chances of conviction and the sentence range, that there was a "greater-than-usual risk of flight." Under these circumstances, we agree with the

circuit court that there are no conditions or combination of conditions that can mitigate the real and present threat to a person or the community.

¶ 32 Accordingly, the circuit court did not err by finding that the State met its burden in showing that defendant committed a qualifying offense, posed a real and present threat to a person or the community, and no combination of conditions would mitigate that threat.

¶ 33 III. CONCLUSION

¶ 34 For the reasons stated, we affirm the judgment of the circuit court of Jefferson County.

¶ 35 Affirmed.