

2026 IL App (2d) 260248
No. 2-26-0248
Opinion filed August 28, 2026

IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

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

v.

BRANDON C. FRANKLIN, Defendant-Appellant.

Appeal from the Circuit Court of Kane County.
Honorable John A. Barsanti, Judge, Presiding.
No. 25-CF-1274

JUSTICE HUTCHINSON delivered the judgment of the court, with opinion.
Presiding Justice Kennedy and Justice Mullen concurred in the judgment and opinion.

OPINION

¶ 1 Defendant Brandon C. Franklin (currently 19 years old) is charged with first degree murder for shooting a man to death when defendant was 16. He appeals from orders of the circuit court that granted the State's petition to deny his pretrial release pursuant to article 110 of the Code of Criminal Procedure of 1963 (725 ILCS 5/110-1 *et seq.* (West 2024)), as amended by Public Act 101-652 (eff. Jan. 1, 2023), commonly known as the Pretrial Fairness Act or Safety, Accountability, Fairness and Equity-Today (SAFE-T) Act (Act). Defendant's primary contention is that both the State and the trial court misconstrued provisions of the Electronic Monitoring and Home Detention Law (730 ILCS 5/5-8A-1 *et seq.* (West 2024)) as barring defendant's pretrial release with electronic home monitoring (EHM) altogether.

¶ 2 We agree with defendant that the statutory authority contains no restriction on pretrial detainees. What the statute bars is EHM as a component of defendant’s sentence, should he be convicted, but it plainly states that EHM is an available pretrial condition. Accordingly, for the reasons that follow, we vacate and remand.

¶ 3 I. BACKGROUND

¶ 4 The evidence is only preliminary at this stage. According to police reports included in the record, on March 16, 2023, Omari McDowell and a group of four or five other young men—including defendant, Rashid Ramyyeh, and Tashaun Franklin—drove Omari to visit his father Oscar McDowell at Oscar’s apartment in Elgin. Rashid drove the car, which was later identified as Rashid’s dark-colored Chevrolet sedan.

¶ 5 Within moments of arriving at Oscar’s apartment, Oscar said to the group, “You aren’t the only ones with guns,” and he showed off a loaded 9-millimeter Ruger pistol. The boys began to pass the gun around, and Oscar left the room. Omari left the room as well and briefly went into his brother’s bedroom. Within minutes, the group of boys ran out of the apartment with defendant still holding Oscar’s pistol. Oscar can be seen on surveillance footage chasing the boys as they get into the car, with Oscar banging on the window. According to both Rashid and Tashaun, defendant then shot Oscar one time through the window. Rashid drove off. The gunshot wound proved fatal, and Oscar died at the hospital. No arrests were made initially, but after witnesses came forward, the State secured an indictment against defendant on June 2, 2025, for two counts of first degree murder. 720 ILCS 5/9-1(a)(1), (a)(2) (West 2024).

¶ 6 Defendant was taken into custody and brought before the court on June 4, 2025. The record indicates that the State filed a verified petition to deny defendant pretrial release on the basis that

he was charged with a forcible felony and was a danger to the community. See 725 ILCS 5/110-6.1(a)(1.5) (West 2024).

¶ 7 The State’s motion was heard on July 29, 2025, by the trial court (Judge Barsanti). At the hearing, the prosecutor proffered the facts of the case. He also stated that defendant had no prior criminal history and that he previously lived in South Holland, but now resided in Hazel Crest near Markham, in southern Cook County. The State noted the impulsive nature of defendant’s crime and that Oscar’s handgun was never recovered, suggesting defendant may still have access to it or other stolen pistols. In response, defense counsel stated that, in the time since the shooting, defendant had not committed any other crimes or contacted the witnesses about this case. The trial court found sufficient evidence that defendant had committed a detainable offense and was a danger to the community. However, the court found that danger could be adequately addressed through a combination of conditions (not to possess any weapons, not to contact witnesses, etc.) and EHM. The court observed that statewide pretrial services were not yet available in Kane County, and it ordered defendant detained while the parties determined whether EHM was “feasible” for the Kane County sheriff to monitor defendant in Cook County.

¶ 8 On August 20, 2025, the parties returned to court. The prosecutor stated that the county sheriff’s position was that, while EHM for out-of-county residents was possible, it was not feasible or “responsible.” According to a sergeant with the sheriff’s office, because defendant lived “90-plus minutes away, depending on the time of day and traffic conditions,” it would be “impossible” to monitor him effectively at his residence. The prosecutor then asserted, for the first time, that the court had no *legal* authority to order the county sheriff to admit defendant to electronic monitoring. The court was skeptical of the assertion and ordered a brief recess. When court resumed, the elected State’s Attorney appeared before the bench and addressed the court as follows:

“Judge, as this [c]ourt is well aware, electronic home monitoring and GPS monitoring used to be a function that the [c]ourt was able to do through court services. Through budget cuts, at some point, that was eliminated.

Now, the sheriff’s office, which has internal control to be able to run the jail in the way that they believe fit, has decided to allow GPS, especially for post-sentence defendants who are particularly allowed via statute. The issue that we have now is this is a pretrial offender who is accused of first degree murder, probable cause has been found in regards to this case, and first degree murder is one of those specifically excluded offenses that the sheriff himself is not even allowed to make the decision to place somebody on electronic home monitoring.”

The State’s Attorney pointed out that any type of violation, “including a dead battery,” would trigger a law-enforcement response and asserted that the sheriff “doesn’t have the manpower” to send deputies two hours away out of county. The State’s Attorney concluded, stating “pursuant to statute” the court lacked the authority to order the sheriff to place defendant on EHM. No one from the State cited any statutory authority for the court to consider.

¶ 9 Defense counsel responded that she and the court were familiar with cases where the sheriff’s office was monitoring pretrial defendants outside of Kane County, including one defendant who resided in West Chicago. Although West Chicago is closer to Kane County than defendant’s residence is, counsel’s assessment was simple: “They have the capability. They just don’t want to.” The trial court announced that it would order defendant be detained because it found that “no other mitigating condition other than electronic home monitoring” was appropriate, which “the sheriff will not perform for the benefit of th[e] county.”

¶ 10 According to the record, defendant’s pretrial detention was not revisited for another nine months. In the interim, the State obtained an amended indictment against defendant for eight counts of first degree murder with firearm enhancements, as well as possession of a stolen firearm and other weapons offenses. Meanwhile, the defense filed a motion for relief seeking defendant’s release. The defense again requested that the court place defendant on EHM in Cook County and offered, in the alternative, that defendant had secured a residential placement at Wayside Cross Ministries in Aurora. The defense suggested defendant could reside there and be placed on EHM there as well. The State responded that Wayside Cross Ministries was not a custodial setting and was not “remotely qualified” to handle residential placement for potentially violent offenders charged with first degree murder.

¶ 11 The State also, for the first time, directly cited section 5-8A-3 of the EHM statute (730 ILCS 5/5-8A-3 (West 2024)) as the provision that allegedly prevented the court from ordering defendant’s pretrial release with EHM. The State noted that the EHM statute, last amended in 2018, predated the enactment of the Act in 2023. According to the State, because first degree murder is an “excluded offense” under the EHM statute, the court could not order defendant’s release on EHM. *Id.* (stating “a person charged with or convicted of an excluded offense may not be placed in an electronic monitoring or home detention program, *** ”). (We will revisit the text omitted by the asterisks shortly.)

¶ 12 On May 20, 2026, after a brief hearing, the court stated that it believed that EHM with a residential placement at a ministry was a viable option for defendant’s release. The court reiterated its belief that EHM was generally appropriate for defendant and stated:

“But I’m going to deny the defendant’s motion. And the reason I’m going to deny it is because [the] State is indicating to me that electronic home monitoring does not apply

to [a] first degree murder charge, people charged with first degree murder. That's what I'm basing my decision on is that. That's a statute which was enacted prior to the SAFE-T Act. So[,] the State is arguing to me, and I'm going to accept that argument, at this time, that *** the SAFE-T Act does not apply to electronic home monitoring in this particular situation.

So, as argued by the State, in other words, that you cannot put somebody on electronic home monitoring when charged with first degree murder.

That's going to be my ruling. That's how I'm going to decide this case. I'm going to deny your motion based on that."

The court admonished defendant regarding his appeal rights, and defendant timely appealed.

¶ 13

II. ANALYSIS

¶ 14 Defendant appeals the trial court's determinations that defendant (1) posed a real and present danger to the community and (2) was ineligible for EHM and therefore ineligible for release.

¶ 15 As to dangerousness, the trial court found defendant posed a danger but did not expound on the bases for its finding; thus, defendant argues, dangerousness was solely based on the elements of first degree murder. This is incorrect. The nature and circumstances of the offense are necessarily part of the court's consideration, which here involved violence and a weapon. 725 ILCS 5/110-6.1(g)(1) (West 2024). Moreover, the record contains specific articulable facts that support the finding, including the impulsive and violent alleged actions of stealing and firing the weapon. See *id.* § 110-6.1(g)(7). We find no error in the trial court's finding that defendant posed a danger to the community.

¶ 16 As to the second question, the trial court found that conditions could mitigate the danger posed but held that the EHM statute prevented the trial court from ordering defendant's release. We determine that it does not. We interpret statutes *de novo*, meaning we do not defer to a lower court's interpretation. *People v. Cooper*, 2025 IL 130946, ¶ 33. Because statutes are meant to be understood by the public that must follow them, we give each word of the text its plain and ordinary meaning. If the plain language of the statute "is clear, our inquiry ends." *People v. Seymore*, 2025 IL 131564, ¶ 38.

¶ 17 The State begins its argument by pointing out that the first example of an "[e]xcluded offense[]" under the EHM statute is first degree murder. 730 ILCS 5/5-8A-2(B) (West 2024). Section 5-8A-2(B) states in its entirety:

“ ‘Excluded offenses’ means first degree murder, escape, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated battery with a firearm ***, bringing or possessing a firearm, ammunition or explosive in a penal institution, any ‘Super-X’ drug offense or calculated criminal drug conspiracy or streetgang criminal drug conspiracy, or any predecessor or successor offenses with the same or substantially the same elements, or any inchoate offenses relating to the foregoing offenses.” *Id.*

However, the section regarding the *application* of EHM bears some closer scrutiny. Section 5-8A-3(a) of the statute provides as follows:

“(a) Except as provided in subsection (d), a person charged with or convicted of an excluded offense may not be placed in an electronic monitoring or home detention program, *except for bond pending trial* or appeal or while on parole, aftercare release, or mandatory supervised release.” (Emphasis added.) *Id.* § 5-8A-3(a).

Subsection (d) applies only to offenders over the age of 55, and so it is not an issue in this case.

¶ 18 What is at issue is the phrase “except for bond pending trial,” a phrase that clearly exempts pretrial detainees from the scope of the statute or from any restrictions concerning excluded offenses. The clear meaning of section 5-8A-3(a) is that EHM may not be a component of a defendant’s criminal *sentence* for an excluded offense, which is reasonable for a statute that has historically been part of the Unified Code of *Corrections* (Corrections Code). See Pub. Act 86-1281, § 3 (eff. Jan. 1, 1991) (adding Ill. Rev. Stat. 1991, ch. 38, ¶ 1005-8A-3). The exception for pretrial defendants, *i.e.*, those “on bond pending trial,” has existed since 1991 as well. Ill. Rev. Stat. 1991, ch. 38, ¶ 1005-8A-3. Meanwhile, the statutes governing *pretrial* electronic home supervision are found in article 110 of the Code of Criminal Procedure (Code). See, *e.g.*, 725 ILCS 5/110-10(b)(5) (West 2024) (authorizing pretrial EHM).

¶ 19 While the EHM statute does predate the Act, the EHM statute in no way prevents a circuit court judge from ordering EHM as a pretrial release condition. The argument to the contrary is nonsensical. Drawn to its logical conclusion, the State would be saying that *all* defendants charged with excluded offenses—generally the most serious class of offenders (730 ILCS 5/5-8A-2(B) (West 2024))—would be categorically ineligible for release or, at least, release with EHM as a condition. Were that the law, the State would be granted near-automatic detention in practically every serious criminal case, which is contrary to the law and language of both the statutes governing pretrial release and the EHM statute. See 725 ILCS 5/110-2(a) (West 2024) (“[a]ll persons charged with an offense shall be eligible for pretrial release before conviction” and “[i]t is presumed that a defendant is entitled to release on personal recognizance” with appropriate conditions); see also *Cooper*, 2025 IL 130946, ¶ 37; *Rowe v. Raoul*, 2023 IL 129248, ¶¶ 19, 21.

We read statutes to avoid “absurd, unreasonable, unjust, or inconvenient results” (*People v. Dobbins*, 2026 IL 131187, ¶ 38), not to create them.

¶ 20 In this case, the trial court appears to have been misled by the State’s argument, but the statutory authority simply does not require what the State claims. It is not unreasonable to think that if the State had presented the court with the text of section 5-8A-3(a) of the Corrections Code, the trial court might not have ruled erroneously. The EHM statute plainly did not prevent the trial court from ordering defendant’s pretrial release with EHM as a release condition. As that was the sole basis for the trial court’s decision to detain defendant, we vacate and remand.

¶ 21 We express no opinion on whether the trial court should detain defendant or order him released with conditions. The court must determine whether the conditions available to it “can mitigate *** the real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case ***.” 725 ILCS 5/110-6.1(e)(3) (West 2024). We simply hold that the EHM statute neither compels defendant’s detention nor prohibits his release with conditions, including EHM.

¶ 22 III. CONCLUSION

¶ 23 For the reasons stated, we vacate the judgment of the circuit court of Kane County and remand for further proceedings.

¶ 24 Vacated and remanded.

People v. Franklin, 2026 IL App (2d) 260248

Decision Under Review: Appeal from the Circuit Court of Kane County, No. 25-CF-1274; the Hon. John A. Barsanti, Judge, presiding.

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