

NOTICE

Decision filed 03/21/25. 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.

2025 IL App (5th) 241323-U

NO. 5-24-1323

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,)	Johnson County.
)	
v.)	No. 24-CF-76
)	
COREY A. BEERS,)	Honorable
)	Sarah Tripp,
Defendant-Appellant.)	Judge, presiding.

JUSTICE BARBERIS delivered the judgment of the court.
Justices Cates and Moore concurred in the judgment.

ORDER

- ¶ 1 *Held:* The circuit court’s decision to detain defendant pretrial, and the court’s factual findings supporting the decision, were not against the manifest weight of the evidence.
- ¶ 2 Defendant, Corey A. Beers, appeals the December 13, 2024, denial of his “Motion to Reconsider Pre-Trial Release” and the November 19, 2024, order of the circuit court of Johnson County granting the State’s petition to deny him pretrial release. On November 18, 2024, the State charged defendant by information with the offenses of home invasion, Class X felonies (counts I and II); residential burglary, Class 1 felonies (counts III and IV); aggravated battery of a person over 60 years of age, Class 3 felonies (counts V and VI); and unlawful possession of a stolen motor vehicle (count VII), a Class 2 felony. On November 19, 2024, the State filed a verified petition to deny defendant pretrial release.

¶ 3 Defendant's motion to reconsider, which the circuit court considered as a motion for relief, argued that defendant did not pose a real and present threat to the safety of any person, persons, or the community, defendant did not have a high likelihood of willful flight to avoid prosecution, and that less restrictive conditions other than detention, including electronic monitoring, existed. For the following reasons, we affirm.

¶ 4 I. Background

¶ 5 On November 19, 2024, the circuit court held a hearing on the State's petition. Initially, defendant asserted his desire to waive his right to a detention hearing. Prior to the court's oral ruling, however, defense counsel requested additional time to consult with defendant, at which time, defendant expressed hesitancy to waive his right to a detention hearing. As such, the court held a detention hearing. Prior to the State offering testimonial evidence, the State informed the court that it provided defense counsel with a police report and pretrial services report.

¶ 6 The State subsequently called Deputy Jonathan Gearing, a deputy sheriff with the Johnson County Sheriff's Office, who testified to the following. On November 16, 2024, Deputy Gearing responded to a call of a residential break-in at the home of Carl Henderson, an 87-year-old gentleman, located on Tunnel Hill Road in Goreville, Illinois. When Deputy Gearing arrived at Henderson's home, Henderson stated that two individuals broke into his home. After the individuals broke in, Henderson engaged in a physical altercation with one of the individuals in his kitchen and then throughout his home. Henderson reported that his eyes burned, and Deputy Gearing later found a can of pepper spray in the living room. Deputy Gearing also observed dried blood on Henderson's ear, a cut or laceration on his hand, and redness around Henderson's eyes and cheeks. Henderson also stated that the individuals who entered his home concealed their faces,

and the individual who attacked him wore gloves. Henderson also stated that he knew defendant, noting that defendant worked for him in the past.

¶ 7 Deputy Gearing testified that he observed a forced break-in at Henderson's home that caused property damage to the exterior garage door that led into the home. Henderson informed Deputy Gearing that the individuals stole the keys on the kitchen counter to his "Ford pickup truck, a Ford Maverick out of his garage." Deputy Gearing proceeded to call the Ford Motor Company to identify the vehicle's location. During this time, Deputy Gearing received information from the Williamson County Sheriff's Office that Ann Melvin informed police that she "believed that the possibility of a home invasion had happened somewhere around Tunnel Hill." At that time, Ann believed the suspects were defendant, Brent Odom, and Autumn Weir.

¶ 8 After Deputy Gearing received the location of Henderson's truck, the Williamson County Sheriff's Office recovered the vehicle, and officers remained in the area. Shortly thereafter, another vehicle arrived. Police conducted a traffic stop of this vehicle, which contained multiple individuals, including defendant, Brent, Autumn, and Marissa Ross. Police subsequently arrested all four individuals and discovered drug paraphernalia in Ross's vehicle.

¶ 9 Once at the police station, Deputy Gearing interviewed Marissa, who informed him that she picked up Autumn and Brent and drove them to Ann's house. Once they arrived at Ann's house, defendant entered the vehicle and asked Marissa "to take him to a location just down the road, said that he had a truck there, claimed that it was his truck." As Marissa drove closer to the truck, police stopped her vehicle. Next, Deputy Gearing interviewed Autumn, who informed him that Brent and defendant left Ann's house to "get some money. They knew of a guy that had a safe and had some money that would be pretty easy to get." When defendant and Brent returned sometime later, defendant stated to Autumn that "he got back by taking some guy's car after

robbing him.” Deputy Gearing also interviewed Ann, defendant’s paramour, who informed him that defendant told her that he “[m]ight want to go see an old [work] friend ***.”

¶ 10 In addition, Deputy Gearing interviewed defendant. Defendant informed Deputy Gearing that he drove with Brent to Henderson’s house to steal money from Henderson’s safe. Defendant stated that he “highly regretted what he had done, but he was high on drugs.” Defendant stated that Brent drove to Henderson’s home and pulled around the back side of the house. Brent then “shoulder[ed] the door open” before the men entered the home near the kitchen where Henderson was located. Defendant stated that an altercation ensued between Brent and Henderson, and noted “pepper spray had been deployed because he could smell it.” At some point, Brent left Henderson’s home without defendant in the vehicle the men arrived in. Defendant subsequently stole the keys to Henderson’s Ford truck and drove away with the vehicle. Defendant informed Deputy Gearing that he wore a mask to conceal his identity, Brent pulled his hoodie over his face, and both men wore gloves. Deputy Gearing confirmed that neither defendant nor Brent had permission to enter Henderson’s home, but decided to break in “in the evening” when they believed “Henderson would be gone.”

¶ 11 Following Detective Gearing’s testimony, the State requested the circuit court detain defendant, arguing that defendant’s callous actions involved an 87-year-old man, who sustained multiple physical injuries following a physical altercation and the deployment of pepper spray to his face. The State argued that defendant, a man with an extensive criminal history, knew Henderson and concocted a plan with Brent, another individual with an extensive criminal history, to conceal their identities and use a weapon—pepper spray—to inflict serious injury, if needed, during the home invasion of Henderson’s home. Defense counsel argued, however, that defendant and Brent were unaware Henderson was home at the time of the offenses, noting that “[i]t is an

isolated one-off incidence. [There is] no[] threat to the community.” Defense counsel asserted that defendant had been working on addressing his substance abuse issue with inpatient treatment and that less restrictive measures than confinement, such as electronic monitoring, existed.

¶ 12 After considering testimony and arguments by the parties, the circuit court entered an order detaining defendant, finding that the State proved by clear and convincing evidence that defendant committed a qualifying offense, defendant posed a real and present threat to the safety of persons, specifically Henderson, or persons in the community, and that no condition or combination of conditions could reasonably mitigate against the danger that defendant posed to the community. In analyzing the “dangerous factor,” the court noted that defendant concealed his identity and entered the home of Henderson, “a frail elderly gentleman *** certainly not in a position to defend himself.” Next, the court referenced defendant’s “substantial criminal history,” and the statements defendant made to Deputy Gearing following the offenses. The court found detention necessary.

¶ 13 On December 11, 2024, defendant filed a “Motion to Reconsider Pre-Trial Release,” which set forth the following:

“NOW COMES, COREY A. BEERS, Defendant, by and through his attorney ***
and for his Motion to Reconsider states as follows:

1. Defendant was arrested and charged on or about November 19, 2024, in the above-entitled cause.
2. On November 19, 2024, Defendant was denied pre-trial release in the above-entitled cause after hearing.
3. Defendant does not pose a real and present threat to the safety of any person, or persons or the community.

4. Defendant does not have a high likelihood of willful flight to avoid prosecution.

Defendant has a stable and supportive home, is employed, and has minor children that are dependent on his support.

5. There are less restrictive conditions available besides detention that would ensure that Defendant would be present at court such as electronic monitoring.

WHEREFORE, Defendant, Corey A. Beers, prays this Court reconsider their denial of his pre-trial release.”

¶ 14 The circuit court held a hearing on defendant’s motion on December 13, 2024, at which time the court stated on the record that defendant filed “a motion to reconsider *** on 12/11. The Court did a docket entry after reviewing these filings on 12/12 indicating that—I was taking the motion to [re]consider to be a motion for relief pursuant to Supreme Court Rule [604(h)(2)].” During the hearing, defense counsel argued that defendant was not a flight risk and that less restrictive measures existed other than detention, including that defendant could enter a 28-day inpatient substance abuse treatment center and undergo electronic monitoring. The State responded that no material changes existed to disturb the court’s prior detention order. Following argument by the parties, the court denied defendant’s motion, stating:

“[T]he matter of the fact is this happened in broad daylight; he knew the victim; it was planned to go into this elderly man’s home; he was attacked; there was enough evidence of that that the Court had previously found so all of those factors were considered; and also his criminal history is pretty abysmal. I know he’s got multiple cases in multiple counties. That was all considered as well as any statements that were made by him to law enforcement regarding everything that had transpired.”

The court declined to address willful flight from prosecution, noting that the court “didn’t make that finding to begin with” at the November 19, 2024, hearing. The court stated that the State met its burden with regard to “the dangerous standard,” and that it had “extreme reservations with placing [defendant] on electronic monitoring so that he can get in a 28-day program and then he has the ability to walk away[,] and we have no knowledge of where he’s at.” Defendant filed a timely notice of appeal.

¶ 15

II. Analysis

¶ 16 On appeal, defendant filed a memorandum, arguing that the circuit court erred by finding that defendant posed a real and present threat to the safety of the community and that no set of pretrial conditions could mitigate any purported danger or risk. We disagree.

¶ 17 It is well settled that Illinois Supreme Court rules are not mere suggestions but have the force of law. *In re Denzel W.*, 237 Ill. 2d 285, 294 (2010). On December 11, 2024, the defendant filed a “Motion to Reconsider Pre-Trial Release,” which is set forth in full above, instead of a “motion for relief.” The prayer for relief requested that the circuit court “reconsider” its order detaining defendant pretrial. Defendant’s motion failed to reference Rule 604(h)(2) or any other statute or supreme court rule. Ill. S. Ct. R. 604(h)(2) (eff. Apr. 15, 2024). Moreover, defendant’s motion failed to include any argument aimed at whether the State proved defendant posed a real and present safety threat. In fact, defendant’s motion contained no viable “grounds for such relief” concerning this standard, as required by Rule 604(h)(2). *Id.* In addition, defense counsel failed to provide argument before the circuit court at the December 13, 2024, hearing regarding whether the State proved defendant posed a real and present safety threat to any person, persons, or the community. We note that “[a] reviewing court is not simply a depository into which a party may dump the burden of argument and research.” *People ex rel. Illinois Department of Labor v. E.R.H.*

Enterprises, Inc., 2013 IL 115106, ¶ 56. As such, a reviewing court “cannot be expected to formulate an argument for defendant out of whole cloth.” *People v. Inman*, 2023 IL App (4th) 230864, ¶ 13. Based on these principles, we find this issue waived. See *People v. Drew*, 2024 IL App (5th) 240697, ¶ 44.

¶ 18 With regard to defendant’s second issue on appeal, conditions of pretrial release, defendant provided an argument in his motion aimed at the standard for conditions of relief. Although defendant failed to properly label his motion, a detailed review demonstrates his motion “ ‘contain[s] sufficient detail to enable meaningful appellate review’ ” of this legal standard for pretrial detention. *Id.* ¶ 43 (quoting Ill. S. Ct. R. 604(h)(7)). As such, we review this issue on appeal.

¶ 19 To set appropriate conditions of pretrial release, the circuit court must determine, 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.” 725 ILCS 5/110-5(a) (West 2022). 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

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).

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

¶ 20 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, “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.” However, when parties present witness testimony, as the State did here, our supreme court held that “when live witness testimony is presented at a pretrial detention hearing, a circuit court’s ultimate detention decision under section 110-6.1, in addition to any underlying factual findings supporting the decision, will not be disturbed on review unless found to be contrary to the manifest weight of the evidence.” *Id.* ¶¶ 38, 43. “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).

¶ 21 We have thoroughly reviewed the record on appeal in this matter. The circuit court heard testimonial evidence from the State that included, *inter alia*, that defendant admitted to Detective Gearing that, while “high on drugs,” he and Brent entered Henderson’s home, an 87-year-old man, who defendant knew and worked for in the past. Defendant and Brent concealed their identities before they entered Henderson’s home in an attempt to steal money from Henderson’s safe. Once inside, defendant and Brent encountered Henderson and an altercation ensued, resulting in multiple injuries to Henderson’s eyes, face, and hand. Shortly thereafter, defendant, admittedly, “high on drugs,” stole Henderson’s keys and drove away in his truck. The record reveals that defendant also had an extensive criminal history that the court considered “pretty abysmal,” with “multiple cases in multiple counties.” Based on these facts, the court found that no condition or combination of

conditions—including a 28-day substance abuse treatment program and electronic monitoring—could reasonably mitigate against the danger that defendant posed to Henderson and the community.

¶ 22 Therefore, in light of our review of the record, we find that the circuit court’s decision to detain defendant, in addition to the court’s underlying factual findings supporting its decision, were not against the manifest weight of the evidence. See *Morgan*, 2025 IL 130626, ¶¶ 38, 43. We also admonish the trial courts not to consider motions not compliant with Rule 604(h)(2) to avoid, as here, the risk of dismissal of issues on grounds of waiver.

¶ 23 III. Conclusion

¶ 24 We affirm the circuit court’s orders of November 19, 2024, and December 13, 2024, detaining defendant pretrial.

¶ 25 Affirmed.