

**IN THE CIRCUIT COURT
OF THE FIRST JUDICIAL CIRCUIT OF ILLINOIS
JACKSON COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
)	
<i>Plaintiff,</i>)	
v.)	
)	Case No. 2017-CF-332
GAEGE BETHUNE)	
)	
)	
<i>Defendant.</i>)	

**PEOPLE’S MOTION TO REVOKE DEFENDANT’S BOND OR, IN THE ALTERNATIVE,
ESTABLISH ADDITIONAL CONDITIONS OF BOND**

NOW COME the People of the State of Illinois, by its attorney, David J. Robinson, Special Prosecutor, Chief Deputy Director, Illinois State’s Attorney Appellate Prosecutor, and respectfully requests that this Honorable Court **GRANT** the People’s motion to revoke defendant’s bond or, in the alternative, establish additional conditions of bond.

I. BACKGROUND

In July 2017, the Circuit Court in Jackson County issued an appearance bond in this First Degree Murder case, defendant having posted \$100,000 as “10% BOND.” (See attached Exhibit A). One of the conditions of said release was that “DEFENDANT SHALL . . . Not violate any criminal statute of any jurisdiction.” (Exhibit A).

Following a jury verdict in this cause (GUILTY – First Degree Murder), defendant filed a post-trial motion, which was denied. Shortly before sentencing, defense counsel moved to withdraw. That motion was later granted and defendant retained a new attorney. This Court permitted new counsel to file a second post-trial motion, thereby delaying the sentencing. Following a hearing on the motion, which was set the same day as the new sentencing hearing,

this Court threw out the jury verdict and awarded defendant a new trial. This Court immediately released defendant on bond, without the benefit of argument from counsel about what the terms of that bond should be or whether, in fact, defendant should be released at all pending a new trial (or appeal).

Had this cause proceeded to sentencing, the People were prepared to offer the below-referenced material in aggravation at sentencing (the State had provided the material to the defense, Mr. Greenberg (see Attached Exhibit B) ahead of the original sentencing (that is—the first sentencing date)). This material, in the form of audio recordings of defendant from jail, was reviewed as part of the police department’s collateral investigation into juror harassment. (This Court may recall that the juror-harassment investigation began after the Jury Foreperson came forward to complain that she had been contacted by the defense team and by defendant via Facebook messenger.)

II. BOND REVOCATION

Defendant has violated the terms of his bond – namely, he has violated the criminal statutes of the State of Illinois, to wit Calculated Criminal Drug Conspiracy (720 ILCS 570/405 (West 2016)). As such, this Court has authority to revoke defendant’s bond or establish additional conditions of the bond previously set. 725 ILCS 5/110-11 (West 2016) (Bail on New Trial); see *People Ex Rel. Hemingway v. Elrod*, 60 Il. 2d 72 (1975) (outlining ABA standards and the Illinois Code of Criminal Procedure on bond and standards thereof).

The following audio recordings of defendant from jail were discovered and reviewed as part of the police department’s collateral investigation in juror harassment in this cause:

- **Recording No. 080810_002:** Conversation between defendant and Marty Hammers (who pretrial records show has previously engaged in illegal drug activity with defendant) in which defendant instructs Hammers to retrieve “sh*t in a bag” from “Traci’s car.” (Traci is known by law enforcement to be the name of defendant’s girlfriend and mother of his child.)
- **Recording No. 080810_003:** Conversation between defendant and Traci in which defendant discusses his “tray,” noting that there is “probably weed all over the place;” and discussing “sh*t” that Hammers was looking for in the car, noting that Hammers is not “careful.” Defendant also discusses his “bag” and is told by Traci that “it is probably not something we need to discuss over the phone.”
- **Recording No. 080810_004:** Conversation between defendant and Hammers in which defendant instructs Hammers to get in the “bag” – to let Traci know so that she can help him – and reminding Hammers that “everything is recorded.” Defendant warns Hammers not get a “bunch of sh*t” out of the bag when he does, noting that Traci found some “sh*t” in the backpack and defendant then instructs Hammers to remove the “sh*t” in the backpack in case Traci has not discovered it yet. Defendant refers to the bag (the backpack) as his and, as to the “sh*t”, instructs Hammers to “take it, get rid of it, and give the money to Traci,” adding that Hammers can keep some of the proceeds for himself. Defendant specifically instructs Hammers as to how to coordinate the transaction.
- **Recording No. 080810_007:** Conversation between defendant and his brother in which defendant’s brother asks defendant for “firewood,” to which defendant refers his

brother to defendant's "backpack in my closet." Defendant's brother then asks defendant how much he can take and defendant responds "grab like a little handful ... enough to get you through." Defendant then adds, in response to his brother's suggestion that he could make some money off of it, "we are making money off of me right now."

- **Recording No. 080810_008:** Conversation between defendant and a woman (not Traci) in which defendant asks her, "Do you smoke bud." The woman responds that she smoked bud with defendant's brother. Defendant then offers that he allowed his brother to "grab a handful," referring to the "bud" as "probably my sh*t."
- **Recording No. 080810_009:** Conversation between defendant and Traci in which defendant asks Traci, "Is my backpack still in the closet?" Traci responds that it is and defendant instructs her to "let it be."
- **Recording No. 080810_010:** Conversation between defendant and Traci in which he instructs Traci to "make sure all my 'sh*t' is put up in my room, the tray, the box . . ." Traci responds, "Okay!, Okay!"
- **Recording No. 080810_011:** Conversation between defendant and Traci in which Traci asks defendant, "180 to my friend . . . what was that?" Defendant responds "28," adding "220 no less" for 28 and Traci confirms.
- **Recording No. 080810_012:** Conversation between defendant and Traci not to give her house guests "nothin'". Defendant instructs Traci not to give his brother anything. Defendant says he told his brother he could get "firewood" out of his bag. Traci informs defendant that she "took everything out" of the bag, and defendant instructs her not to

go through the backpack at all. Defendant orders "TJ" (his brother) onto the phone and orders him to "put it back now!" Defendant explains to TJ that Marty told TJ about something that is "not supposed to be touched or talked about." Defendant orders Traci back onto the phone and defendant asks her about a little black bag; she indicates that she put it in the toilet so that TJ could not get it. Defendant says that he intended to make money off of that for himself. Traci indicates "firewood" again and defendant responds that that was "money." Defendant then states that TJ can "smoke as much meth as he wants" but to stay away from his (defendant's) "sh*t." Defendant then instructs Traci to put the backpack back into his bedroom and to lock it up.

- **Recording No. 080810_013:** Conversation between defendant and Hammers in which defendant indicates that he will be "out" on the 27th (this Court will note that the first pre-trial hearing was heard on July 27, 2018). Hammers asks defendant about the "cartridges" and defendant responds, "Everything is recorded bro." Defendant then tells Hammers that he needs "money to put on his books" and defendant is "looking to make" money to do that. Defendant then informs Hammers that Traci "found that sh*t" and "flushed" it. Defendant then instructs Hammers to take "250" out of the boxes from Traci and to keep some money for himself to buy some clothes to wear to court.

It is clear from these recorded conversations, which are attached (See Exhibit C), that defendant, Traci, and Hammers were involved in a calculated criminal drug conspiracy to sell illegal drugs out of defendant's residence. Defendant, from the Jackson County jail, was ordering Traci to oversee the sale and distribution of drugs from his backpack to supply money

to Traci, fund defendant's commissary account at the jail, and to supply money and clothes to Hammers for court appearances.

Accordingly, defendant has violated condition "C" of his Appearance Bond. As such, this Court should revoke defendant's bond.

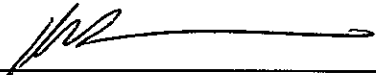
III. ALTERNATIVELY, ESTABLISH NEW CONDITIONS OF BOND

If this Court elects not to revoke defendant's bond, the People request that this Court establish, pursuant to 725 ILCS 5/110-11 (West 2016), new terms of bond, not limited to requiring defendant to submit to drug testing, while awaiting the outcome of appeal or a new trial.

WHEREFORE, the People of the State of Illinois respectfully pray this Honorable Court **GRANT** the People's motion to revoke defendant's bond or, in the alternative, establish additional conditions of bond.

Respectfully submitted,

THE PEOPLE OF THE STATE OF ILLINOIS

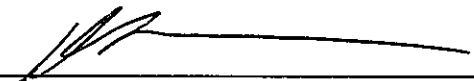
By: 

David J. Robinson
Special Prosecutor
725 S. Second Street
Springfield, IL 62704

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

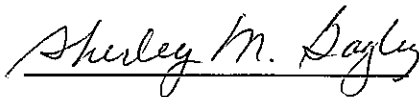
AFFIDAVIT

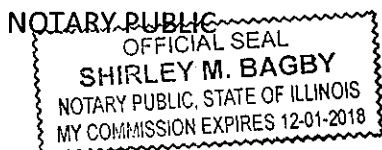
Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure, I certify that the above statements are true to the best of my knowledge and belief.



David J. Robinson
State's Attorneys Appellate
Prosecutor

Subscribed and sworn to
before me on this 19th day of
September, 2018.





IN THE COURT OF THE FIRST JUDICIAL CIRCUIT
JACKSON COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS

v.

GAEGE BETHUNE

)
)
)
)
)

2017-CF-332

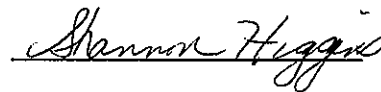
NOTICE AND PROOF OF SERVICE

TO: Cindy Svanda, Clerk
Jackson Cty Circuit Court
1001 Walnut, PO Drawer 70
Murphysboro, IL 62966

Steven A. Greenberg
Steven A. Greenberg & Assoc., Ltd.
53 W. Jackson Blvd., Suite 1260
Chicago, IL 60604-3631

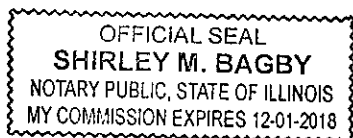
The undersigned certifies that the original and one copy of Plaintiff's *motion to revoke defendant's bond or, in the alternative, establish additional conditions of bond* were delivered to the Clerk of the Circuit Court; and one copy of same was served upon the defendant's Attorneys of Record by enclosing said copy in an envelope addressed as indicated above and by depositing said envelope with postage prepaid in the United States Mail in Springfield, Illinois, on this 19th day of September, 2018.

Subscribed and sworn to
before me on this 19th
day of September, 2018.



Shannon Higgins, Secretary
State's Attorneys Appellate Prosecutor


NOTARY PUBLIC



IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT JACKSON COUNTY, ILLINOIS

NO.: 17CF 332

THE PEOPLE OF THE STATE OF ILLINOIS)

Driver's License #: _____

VS.)

Defendant's date of birth: 7-26-1994

Defendant: Bethune, Gaege

FTA Fee Collected: Yes No
Arresting Agency: (check appropriate box below)
☐ JCSD ☐ Ava ☐ SIU
☐ DeSoto ☐ Dowell ☐ Elkhartsville
☐ Gorham ☐ Murphysboro ☐ Carbondale
☐ Grand Tower ☐ IL State Police ☐ Other: _____

APPEARANCE BOND

The person named above, as DEFENDANT, and whose signature appears below, has been charged with the offense(s) Murder

Bond for this offense has been set at \$ 1,000,000 dollars.

Therefore, in consideration of being released from custody, the DEFENDANT, AGREES:

1. That he/she is indebted to the PEOPLE OF THE STATE OF ILLINOIS in the full amount of the appearance bond stated above.

2. That as security for the performance of this agreement, there has been deposited the following:

✓ 10% BOND. The Defendant/Depositor has deposited \$ 100,000 in cash 10% of the bond as stated above.

✓ OTHER 57.00 Bond Fee

3. That the DEFENDANT SHALL:

A. Personally appear to answer the charge(s) at the JACKSON County Courthouse, MURPHYSBORO, Illinois, on AUGUST 2nd, 2017 at 1:00 AM PM and appear each time as ordered by the Court, until discharged.

B. Submit himself/herself to the orders and process of the Court.

C. Not violate any criminal statute of any jurisdiction.

D. Not leave the State of Illinois without permission of the Court.

E. Give written notice of any address change to the Clerk of this Court within 24 hours.

F. If the defendant is charged with the offense of domestic battery, upon release the defendant shall, for a minimum of 72 hours, refrain from contact or communicating with the victim and refrain from entering or remaining at the victims residence.

G. Other Conditions: _____

NOTICE TO PERSON PROVIDING BOND MONEY
IF OTHER THAN THE DEFENDANT

I hereby acknowledge that I have posted bond for the defendant named above. I further understand that the bond may be used to pay cost, attorney's fees, fines or other purposes authorized by the Court. I further understand that if the defendant is convicted part or all of the bond may be used to pay fines, costs, fees and restitution. Bond money is refunded only to the defendant.

Print Depositor's Name Don Bethune

Signature [Signature]

Print Address 3175 Cedar Point

City, State, Zip Raleigh IL 62977

CERTIFICATE OF DEFENDANT

I, the defendant, do hereby state that I know and understand the terms and conditions of this appearance bond as shown on the FRONT AND REVERSE SIDE of this appearance bond form. I understand further that if at any time prior to the final disposition of the charge(s), I escape or am released on bond and fail to appear in Court when required I thereby waive my right to confront the witnesses against me; the trial and/or sentencing can proceed in my absence; I forfeit the security posted; judgement will be entered against me for the full amount of this bond, plus costs; a warrant may be issued, in which event additional bond may be required to be posted. I understand and accept the terms and conditions set forth above and on the reverse side of this appearance bond.

Signature of DEFENDANT [Signature]

Print Address 903 N Monroe

City, State, Zip Marion IL 62959

Signed and acknowledged before me and bond received by me this 14 day of July 2017.

Signature of OFFICIAL [Signature]

(Official Capacity)

WHITE - Court Copy
CANARY - Defendants Copy
PINK - Police Copy

JCC-1202 Schwebel Printing

(SEAL)

EXHIBIT

A

David J. Robinson

From: David J. Robinson <drobinson@ilsaap.org>
Sent: Monday, August 13, 2018 8:46 AM
To: Steve@GreenbergCD.com
Cc: dneal@ilsaap.org; Lisa Levi (llevi@ilsaap.org); Brooke Shupe (bshupe@ilsaap.org)
Subject: FW: Audio for Behtune sentencing

Mr. Greenberg,

Please find attached the audio described by the police report we forwarded this weekend.

All the best,

DJR

David J. Robinson
Chief Deputy Director
State's Attorneys Appellate Prosecutor
725 South Second Street
Springfield, IL 62704
217-524-6345



From: Matt Richter [<mailto:mrichter@ilsaap.org>]
Sent: Monday, August 13, 2018 8:25 AM
To: 'David J. Robinson'
Subject: RE: Audio for Behtune sentencing

Email the link below to share these files via our secure file share server.

<https://saapfiles.ilsaap.org/index.php/s/MpoFwqYy3mEj6L9>

This web page will allow the recipient to play and/or download the audio recordings as needed.

I'll be making the 3 copies of these files on disks this morning.

Matt Richter
Chief Technology Officer
State's Attorneys Appellate Prosecutor
725 South Second Street
Springfield, IL 62704
(217) 558-8292

