

Tuesday, May 18, 2010

Counsel to file motions on behalf of Hamilton; jury trial may be only alternative

TAYLORVILLE - Donnella Hamilton appeared before Judge Ronald Spears this morning in regards to her involvement in the July 2009 murder of cab driver Steven L. Brummett. Hamilton, who has been charged with three counts of first degree murder, appeared in Christian County court with her counsel Mark Wykoff shortly after 11 a.m.

At the end of April, Wykoff asked Judge Spears to reduce the case back down to status hearing level, from pre-trial level, in order to provide him with adequate time to produce a written statement explaining his theory and beliefs concerning the charges against Hamilton. This morning, Wykoff submitted his statement to the State's Attorney's office and brought his findings to the court's attention.

"There are two issues worthy of calling to the attention of the court," stated Wykoff.

The first issue concerns a letter Hamilton wrote, while incarcerated for her involvement with Brummett's murder, to a friend in Springfield. According to Wykoff, this hand-written, four-page letter was personal in nature, completely sealed, properly addressed, and entrusted to Hamilton's jailers to be placed in the outgoing mail system. According to the motion to suppress outgoing-mail evidence, produced by Wykoff, this letter was adulterated within the confines of the jail, in that it was unsealed, its contents read, photocopied, and shared with the Christian County State's Attorney and respective counsels for Hamilton's co-defendants Ashley Davis and Brandon Allsup. The motion calls for the court to conduct an evidentiary hearing to ascertain if the censorship of Hamilton's mail was a justified infringement upon her First Amendment freedoms.

The second issue concerns a seventeen-page motion to suppress evidence unlawfully intercepted in violation of the Illinois Eavesdropping Statute and suppress the arrest that flowed from the primary illegality.

This motion states that Springfield Police Department, and Illinois State Police, disobeyed the Eavesdropping Statute by attempting to use a friend of Hamilton's to ascertain the whereabouts of the three co-defendants. The friend was instructed to contact Hamilton via text message, an eavesdropping device, and try to get her to come to a residence located on South College Street in Springfield. The police set up surveillance around the residence. All messages between Hamilton and her friend were shared with the police. The purposes of the Eavesdropping Statute are to ensure that all eavesdropping is subject to judicial supervision and to prevent unwarranted intrusions into a person's privacy. The motion further states that no judicial supervision of the use of eavesdropping devices, such as a cellular phone, was ever applied for.

Judge Spears instructed Wykoff to have both motions and all other discovery on file by June 5. Hamilton will again appear before Judge Spears on the morning of June 14 for pre-trial. On June 14, all matters brought before the court this morning will be discussed further.

"Two co-defendants have already enter guilty pleas on different ends of the continuum" said Wykoff. "It is my belief that her [Hamilton] involvement is more closely related to that of Davis rather than that of Allsup."

In January, Allsup, 27, pled guilty to murdering Brummett and was sentenced to a term of natural life in the Illinois Department of Corrections without the possibility of parole.

Earlier this month, Davis was sentenced to 5 years IDOC for concealment of a homicidal death.

Hamilton is tentatively scheduled for jury trial on July 26.

"At this time I don't believe there is another alternative to having a jury trial," said Wykoff.