



should consider new matters raised for the first time in a motion to reconsider when the moving party can present a reasonable explanation as to why the matter was not raised at the time of the original hearing. None has been provided here. In conclusion, this motion to reconsider is not properly brought before the court and any additional arguments or information contained in the defense's brief should be disregarded by the Court as they are not asking the court to reconsider the information that was before it at the preliminary hearing but actually making new arguments for the court to consider.

## II. The Court Properly Found Probable Cause

Should the court choose to entertain the substance of defense's motion to reconsider, the Court properly found that probable cause exists. The court heard the testimony and reviewed briefs from both sides related to this matter. The court properly considered all the appropriate testimony and determined probable cause to exist. The defense acknowledges the low burden of proof at this stage of the case, but almost simultaneously asks the court to find that there were **no** actual facts presented and that no reasonable person would think that Mr. Farquer committed a crime. Such a finding would be against the manifest weight of the evidence presented at the preliminary hearing. Further, the defense improperly draws conclusions of law and facts in their prayer for relief. Conclusions that are for the court and/or a jury to make and far surpasses the purpose of a preliminary hearing. To reiterate, the purpose of a preliminary hearing is to determine probable cause that a crime has been committed by the defendant so as to warrant further proceedings. *People v. Lard*, 2013 IL App (1<sup>st</sup>) 110836, 373 Ill.Dec. 627, 994 N.E.2d 112 (App.Ct. 1<sup>st</sup> Dist. 2013) The determination of the existence of probable cause at a preliminary hearing related to a felony information is governed by commonsense considerations, and the calculation concerns the probability of criminal activity rather than proof beyond a reasonable doubt. Probable cause does not even demand a showing that the belief that the suspect has committed a crime be more likely true than false. *People v. Smith*, 360 Ill. Dec. 518, 968 N.E.2d 1271 (App. Ct. 1<sup>st</sup> Dist. 2012). A preliminary hearing is not a trial and is not intended to be a discovery proceeding. *People v. Diestelhorst*, 344 Ill. App. 3d. 1172, 280 Ill.Dec. 201, 801 N.E.2d 1146 (5<sup>th</sup> Dist. 2003) Further, hearsay is admissible in determination at preliminary hearing of presence of probable cause for arrest. *People v. Jones*, App. 1966, 75 Ill.App.2d 332, 221 N.E.2d 29. The State need not call every necessary witness at the preliminary hearing, only those necessary to establish probable cause. The State met that burden as it relates to this matter. Finally, the Defense seeks to have the Court identify the evidence it relied on in rendering its opinion related to probable cause. As stated in defense's own motion, the court ruled that based on the testimony Detective Kenney and considering both parties' briefing the Court found probable cause. No further explanation is needed.

WHEREFORE, the State prays this honorable court find that the motion to reconsider is inappropriate at this time or in the alternative deny Defendant's motion to reconsider.

1/14/26  
Date

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**Proof of Service**

I, the undersigned, certify that a copy of the foregoing instrument was served upon defense counsel on the 14<sup>th</sup> Day of January by electronic service.

Grace Simpson