

Office of the Kane County State's Attorney



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2 ELGIN GANG MEMBERS FACE GUN CHARGES

February 28, 2019

Two Elgin street gang members are charged for possessing and pointing a loaded gun as they drove past someone walking near Villa Street in Elgin.

Kane County State's Attorney Joe McMahon has charged 24-year-old **Freddy Garcia** with the offenses of:

- Possession of a firearm by a street gang member, Class 2 felony
- Aggravated unlawful use of a weapon, Class 4 felony
- Aggravated assault, Class A misdemeanor

And 22-year-old **Antony A. Oliva** with the offenses of:

- Possession of a firearm by a street gang member, Class 2 felony
- Aggravated unlawful use of a weapon, Class 4 felony
- Aggravated assault, Class A misdemeanor
- DUI, Class A misdemeanor

Kane County prosecutors and Elgin police allege that at about 9:30 p.m. Feb. 10, 2019, in the 600 block of Villa Street, Elgin, Garcia was a passenger in a vehicle driven by Oliva. The men, both gang members, spotted the victim, who was walking in the parking lot of a nearby business. Garcia pointed a loaded .22-caliber handgun at the victim as they drove past. Oliva circled the business and Garcia pointed the gun at the victim a second time. Neither defendant has a Firearm Owner's Identification Card or a Concealed Carry License.

A Kane County judge set Garcia's bail at \$250,000 with 10 percent (\$25,000) to apply for bond, and Oliva's bail at \$200,000 with 10 percent (\$20,000) to apply for bond.

Garcia's next court appearance is set for 9 a.m. March 1, 2019, in front of Circuit Judge Donald M. Tegeler, Jr., in Courtroom 311 at the Kane County Judicial Center. Oliva's next court appearance is set for 9 a.m. March 7, 2019, in front of Judge Tegeler in Courtroom 311.

If convicted of the most serious offense, each defendant faces a minimum sentence of 3 years' imprisonment in the Illinois Department of Corrections.

Both remain in custody at the Kane County jail. If either posts bond, he is to have no contact with the co-defendant in the case, no contact with the victim, shall not possess a gun and shall not use drugs or alcohol.

The charges against Garcia and Oliva are not proof of guilt. Garcia and Oliva are presumed innocent and are entitled to a fair trial in which it is the state's burden to prove guilt beyond a reasonable doubt.

Freddy Garcia: Age 24 (d.o.b. 1-9-1995), of the 600 block of Packard Drive, Elgin, Illinois. Case No. 19CF291.

Antony A. Oliva: Age 22 (d.o.b. 6-20-1996), of the 1800 block of Riverside Avenue, St. Charles, Illinois. Case No. 19-CF292.