

Office of the Kane County State's Attorney



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ST. PATRICK'S WEEKEND NO-REFUSAL OPERATION NETS 6 DRUNK DRIVERS 12 POLICE AGENCIES PARTICIPATED

March 16, 2022

Kane County State's Attorney Jamie L. Mosser announces that Kane County's pre-St. Patrick's Day Weekend No-Refusal operation, a collaborative effort of the Kane County State's Attorney's Office and 12 Kane County law-enforcement agencies, netted six drunk drivers.

The operation included 12 police agencies – Aurora, Batavia, Carpentersville, Elgin, Elburn, Geneva, Illinois State Police District 15, the Kane County Sheriff's Office, Montgomery, Pingree Grove, St. Charles and South Elgin.

The details

From 11 p.m. on March 12, 2022 to 4 a.m. March 13, 2022, officers who stopped and arrested a suspected drunk driver transported the offender to their local police station. At the station, the offender would be requested to submit to a Breathalyzer. Any suspect who refused to provide the sample would have been instructed by an assistant state's attorney that a court order would be sought ordering them to provide the sample if they continued to refuse. Any suspect who continued to refuse to submit to chemical testing after being presented with a search warrant would have faced additional charges.

Illinois courts have consistently held that there is no right to refuse chemical testing when probable cause exists.

Illinois law states that a person is presumed to be unlawfully intoxicated for the purposes of operating a motor vehicle if their blood-alcohol concentrations is .08 or higher.

Blood-alcohol concentrations of those charged as a result of these arrests were .280 percent, .182, .177, .115, .108, and .088.

SA Mosser said:

"We conduct these No-Refusal events to keep our community safe from drunk drivers. Every DUI crash is preventable. To everyone who plans to go out Thursday

night and celebrate St. Patrick's Day, remember that there are plenty of transportation options: a taxi, a designated driver, Uber, Lyft and more. Please choose a safe option for yourself, for your family and friends, and for others on the road. My thanks to the departments that participated in this and assistant state's attorneys who worked to help hold these individuals accountable."

Participating agencies and those charged:

AURORA

Andrew Delarosa: age 32 (d.o.b. 2-18-1990), of the 1500 block of West Jefferson Avenue, Naperville, Illinois. Charged with DUI, Class A misdemeanor, 2 counts, and a traffic offense. His next court appearance is set for 9 a.m. March 31, 2022, in Courtroom 203 at the Kane County Judicial Center.

BATAVIA

Zero

CARPENTERSVILLE

Zero

ELBURN

Zero

ELGIN

Zero

GENEVA

Zero

ILLINOIS STATE POLICE DISTRICT 15

Nalleli V. Rosales: age 36 (d.o.b. 11-6-1985), of the 600 block of Jefferson Ave., Elgin, Illinois. Charged with DUI, Class A misdemeanor, 2 counts, and traffic offenses. His next court appearance is set for 9 a.m. April 13, 2022, in Courtroom 203 at the Kane County Judicial Center.

KANE COUNTY SHERIFF

Zero

MONTGOMERY

Zero

PINGREE GROVE

Zero

ST. CHARLES

Nina E. Rotter: age 23 (d.o.b. 12-28-1998), of the 800 block of Carolyn Court, Elburn, Illinois. Charged with DUI, Class A misdemeanor, and a traffic offense. Her next court appearance is set for 9 a.m. April 20, 2022, in Courtroom 203 at the Kane County Judicial Center.

Kyle R. Devries: Age 24 (d.o.b. 5-14-1997), of the 9600 block of Rutherford, Avenue, Oak Lawn, Illinois. Charged with DUI, Class A misdemeanor (2 counts), and a traffic offense. His next court appearance is set for 9 a.m. April 20, 2022, in Courtroom 203 at the Kane County Judicial Center.

Jesus A. Adame: Age 38 (d.o.b. 11-11-1983), of the 6N block of Oakwood Drive, St. Charles, Illinois. Charged with aggravated DUI, Class 2 felony, 4 counts, aggravated DUI, Class 4 felony, 2 counts. His next court appearance is set for 9 a.m. April 13, 2022, in Courtroom 311 at the Kane County Judicial Center.

SOUTH ELGIN

Noe T. Torres: Age 27 (d.o.b. 7-26-1994), of the 200 block of Mayfair Lane, South Elgin, Illinois. Charged with DUI, Class A misdemeanor (2 counts), and a traffic offense. His next court appearance is set for 9 a.m. March 28, 2022, in Courtroom 203 at the Kane County Judicial Center.

Background

The St. Patrick's Weekend No-Refusal initiative was the 26th to be conducted in Kane County. The first was held in May 2008. Including the 25 prior No-Refusals, a total of 160 motorists have been charged for their decision to get drunk and get behind the wheel of a car.

The initiative is designed to thwart suspected drunk drivers who refuse to submit to a breath test after an arrest on DUI charges. It ensures that evidence of a criminal act is lawfully collected. Through the "No Refusal" strategy, police officers are able to gather the evidence necessary to hold the offenders accountable. With guidance from an assistant state's attorney, police officers can quickly obtain a search warrant to compel a DUI suspect to submit to a lawfully requested blood or breath test as required by Illinois' Implied Consent statute. Driving is not a right but a privilege granted by the Secretary of State.

The charges listed above are not proof of guilt. A defendant is presumed innocent and is entitled to a fair trial in which it is the state's burden to prove his or her guilt beyond a reasonable doubt.