

Office of the Kane County State's Attorney



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MEMORIAL DAY NO-REFUSAL OPERATION NETS 3 DRUNK DRIVERS NINE POLICE AGENCIES PARTICIPATED

June 8, 2022

Kane County State's Attorney Jamie L. Mosser announces that Kane County's Memorial Day No-Refusal operation, a collaborative effort of the Kane County State's Attorney's Office and nine Kane County law-enforcement agencies, netted three intoxicated drivers.

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

The details

From 8 p.m. to midnight on May 30, 2022, officers who stopped and arrested a suspected intoxicated driver transported the alleged offender to their local police station. At the station, the alleged offender was asked to submit to a Breathalyzer or other chemical testing. Any suspect who refused to provide the sample would have been instructed by an assistant state's attorney on call that a court order would be sought ordering them to provide the sample if they continued to refuse. Suspects who continued to refuse to submit to chemical testing after being presented with a search warrant faced additional charges.

Illinois courts have consistently held that there is no right to refuse chemical testing when probable cause exists that a person is intoxicated and operating a motor vehicle.

Police obtained one search warrant during the May 30 initiative. That motorist submitted to a blood draw when presented with the warrant.

The highest blood-alcohol concentration of those charged as a result of these arrests was .200 percent.

SA Mosser said:

"The No-Refusal initiatives are about road safety because every DUI is preventable. There are plenty of ways to get home that do not involve getting behind the wheel of a car while impaired. My thanks to the police officers and their staff for participating in this initiative. My thanks to DUI Supervisor Katy Flanagan and Assistant State's Attorney Alex Gasparro for arranging this No-Refusal evening, along with Assistant State's Attorney's Stacey Wittman, Danielle Bechtold and Sarah Norkus from my office who

gave up their holiday and worked to hold these individuals accountable for their bad decision.”

Participating agencies and those charged:

AURORA

Zero

BATAVIA

Jose L. Barrerea-Munoz: age 39 (d.o.b. 5-21-83), of the 300 block of Church Street, West Chicago, Illinois. Charged with two counts of DUI, Class A misdemeanor, and a traffic offense. His next court appearance is set for 9 a.m. July 20, 2022, in Courtroom 203 at the Kane County Judicial Center.

CARPENTERSVILLE

Zero

ELGIN

Lirio P. Hernandez-Camacho: age 28 (d.o.b. 3-22-1994), of the 200 block of Lovell Street, Elgin, Illinois. Charged with aggravated battery to a police officer, Class 2 felony, resisting/obstructing a police officer causing injury, Class 4 felony, DUI, Class A misdemeanor, resisting/obstructing a police officer, Class A misdemeanor, endangering children, Class A misdemeanor. His next court appearance is set for 9 a.m. June 24, 2022, in Courtroom 319 at the Kane County Judicial Center.

GENEVA

Zero

ILLINOIS STATE POLICE DISTRICT 15

Zero

KANE COUNTY SHERIFF

Zero

ST. CHARLES

Sean W. Howell: age 29 (d.o.b. 6-26-1992), of the 2800 block of Randall Ridge Drive, Elgin, Illinois. Charged with two counts of DUI, Class A misdemeanor, and a traffic offense. His next court appearance is set for 9 a.m. July 20, 2022, in Courtroom 203 at the Kane County Judicial Center.

SOUTH ELGIN

Zero

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.