

Office of the Kane County State's Attorney



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PRE-THANKSGIVING NO-REFUSAL OPERATION NETS FOUR IMPAIRED DRIVERS

NEXT ANTI-DUI INITIATIVE IS SCHEDULED FOR NEW YEAR'S EVE

December 14, 2022

Kane County State's Attorney Jamie L. Mosser announces that Kane County's Pre-Thanksgiving No-Refusal operation, a collaborative effort of the Kane County State's Attorney's Office and multiple Kane County law-enforcement agencies, netted four intoxicated drivers.

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

The details

From 11 p.m. on November 23 until 3 a.m. on November 24, 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 was informed by an assistant state's attorney that a court order would be sought ordering them to provide the sample. 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 a driver has no right to refuse chemical testing when probable cause exists that he or she is intoxicated and operating a motor vehicle.

One search warrant was obtained during the initiative. That motorist submitted to a blood test when presented with the warrant.

Three of the four samples obtained indicated that the driver had a blood-alcohol concentration at least 1.5 times the 0.08 threshold, and two samples were more than twice the 0.08 standard: .136, .189, .196. The fourth sample was in the form of blood.

The Kane County State's Attorney's Office will continue to conduct the No-Refusal initiatives with local police. The next scheduled No-Refusal Operation is set for December 31, 2022.

SA Mosser said:

“I am grateful for the work of the police agencies who keep Kane County’s streets safe on a night that many people are out having fun and, unfortunately, making bad choices. Given the options available for a safe ride, it is simply inexcusable for someone to drive while impaired, endangering everyone on the road and putting themselves and others at risk. My thanks to DUI Supervisor ASA Katy Flannagan, along with ASAs Alex Gasparro, Tyler Cox and Amanda Busljeta for assisting the police with this detail. We will hold our next No-Refusal Operation on New Year’s Eve.”

Participating agencies and those charged:

BATAVIA

Zero

ELBURN

Zero

ELGIN

Gerardo Escorza: Age 28 (d.o.b. 9-15-1994), of the 1600 block of Mulberry Lane, Elgin, Illinois. Charged with two counts of DUI, Class A misdemeanor, driving without a license, Class A misdemeanor, and traffic offenses. His next court appearance is set for 8:30 a.m. December 15, 2022, in Courtroom 203 at the Kane County Judicial Center.

Nicolas Zavala Rodriguez: Age 42 d.o.b. 7-10-1980), of the 752 Grace Street, Elgin, Illinois. Charged with two counts of DUI, Class A misdemeanor, and traffic offenses. His next court appearance is set for 8:30 a.m. December 15, 2022, in Courtroom 203 at the Kane County Judicial Center.

GENEVA

Gina M. O’Brien: Age 32 (d.o.b. 11-13-1990), of the 100 block of North Barton Trail, Batavia, Illinois. Charged with DUI, Class A misdemeanor, and a traffic offense. Her next court appearance is scheduled for 8:30 a.m. December 14, 2022, in Courtroom 203 at the Kane County Judicial Center.

ILLINOIS STATE POLICE DISTRICT 15

Zero

KANE COUNTY SHERIFF

Zero

PINGREE GROVE

Zero

SOUTH ELGIN

Zero

ST. CHARLES

David J. Poisson: Age 24 (d.o.b. 5-19-1998), of the 1100 block of West Washburne Avenue, Chicago, Illinois. Charged with two counts of DUI, Class A misdemeanor, and traffic offenses. His next court appearance is set for 9 a.m. January 5, 2023, in Courtroom 203 at the Kane County Judicial Center.

The charges 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.

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