

NOTICE: This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Circuit Court
	)	of Cook County, Illinois.
Plaintiff-Appellant,	)	
	)	
v.	)	No. 22MC3002872
	)	
ERIC E. ALOISIO,	)	
	)	The Honorable
Defendant-Appellee.	)	Sunil S. Bhave,
	)	Judge Presiding.

JUSTICE PUCINSKI delivered the judgment of the court.
Justice Hyman and Justice C.A. Walker concurred in the judgment.

ORDER

¶ 1 *Held:* Where the State's successive postjudgment motion did not toll the time for filing a notice of appeal, the trial court lacked jurisdiction to rule upon the motion. The trial court's orders granting the hearing and denying the motion are therefore vacated and the motion is dismissed.

¶ 2 The State appeals the trial court's orders granting defendant's motion to suppress, denying the State's motion for reconsideration, and denying the State's motion for attenuation. It contends that the trial court erred by (1) granting defendant's motion to suppress where defendant did not establish a *prima facie* case for the suppression of defendant's blood draw, and (2) denying the

State's motion for attenuation where the evidence established that defendant's blood was drawn during the ordinary course of medical treatment rather than at the direction of law enforcement.

¶ 3 Defendant contends that we lack jurisdiction where the State's motion for an attenuation hearing was barred by the rule established by *People v. Taylor*, 50 Ill. 2d 136 (1971), because the attenuation argument could have been raised at the initial suppression hearing as it is not a separate issue from the suppression of the evidence. See *People v. Williams*, 138 Ill. 2d 377, 396-97 (1990). As such, defendant argues that the State's motion is an impermissible successive postjudgment motion, which did not toll the deadline for the State to appeal. Accordingly, defendant contends that we lack jurisdiction to review the merits of the State's appeal.

¶ 4 For the following reasons, we vacate the orders granting the attenuation hearing and denying the successive postjudgment motion and order that the motion be dismissed.

¶ 5 I. BACKGROUND

¶ 6 Defendant was charged by uniform traffic citation with driving while under the influence of alcohol (DUI) (625 ILCS 5/11-501(a)(1)-(2) (West 2022)) and multiple other traffic violations arising from an event on December 9, 2022, wherein defendant's vehicle allegedly collided with a tree. Defendant was also charged by misdemeanor complaint with carrying a concealed weapon while under the influence of alcohol (430 ILCS 66/70(d) (West 2022)), arising from the same incident.

¶ 7 A. Suppression Hearing

¶ 8 On August 5, 2024, defendant filed a motion to suppress evidence, arguing that police officers arrested defendant without observing him driving the vehicle, performing field sobriety tests, or knowing his blood alcohol content. Defendant also contended that he was sent to the hospital, where his blood was drawn by medical personnel and subsequently reported to police.

Defendant requested that the court suppress evidence related to this illegal arrest, including [p]hysical evidence discovered directly and indirectly as a result of the arrest and detention” of defendant and “[s]cientific and chemical evidence obtained by the State subsequent to the arrest *** including, but not limited to evidence relating to lab results *** of [d]efendant’s blood sample tested in this cause.”

¶ 9 The matter advanced to a suppression hearing on September 17, 2024. Defense counsel called Hanover Park police officer Cruz, who arrested defendant without a warrant on December 8, 2022.¹ Cruz first observed defendant “down the street from the vehicle in handcuffs, bleeding, while medics were attempting to render aid.” Cruz processed the arrest but did not personally observe defendant violating the law. Defense counsel asked Cruz whether “the State obtained evidence that [was] intended to be used at trial” against defendant, to which Cruz responded affirmatively.

¶ 10 Defense counsel then informed the court that it would not present any further evidence and rested its case-in-chief. The State questioned “what exactly” defense counsel wished to suppress.

¶ 11 The State then called Hanover Park police detective Oscar Morales, who testified that he responded to a traffic accident where he was informed that a man “was seen running” from the area of the accident. The vehicle involved in the accident contained blood. Morales was informed that the man involved in the accident was “bloody.” Morales then saw a “bloody” man detained by another officer approximately a quarter mile from the accident. Morales gave the man “verbal commands” and the man got on his knees. Morales then handcuffed the man. Another officer

¹ Officer Cruz did not state her first name on the record during either the suppression hearing or subsequent attenuation hearing.

informed Morales that the man was “seen with a weapon,” and, soon after handcuffing the man, Morales saw a firearm by “the tree areas” near defendant.

¶ 12 On cross-examination, Morales stated that he did not recall whether the description of the man included his clothing. The incident at issue involved a vehicle hitting a tree. Morales did not personally observe the incident nor see defendant operating the vehicle and did not speak with officers who observed defendant in the driver seat of the vehicle.

¶ 13 The court granted defendant’s motion to suppress “any and all evidence recovered as a result of said arrest” of defendant. In ruling, it found that Cruz and Morales testified credibly and truthfully but did not present specific articulable facts establishing probable cause to arrest defendant. The court noted that such testimony may not have been “elicited” but it was constrained by the testimony presented. As such, no evidence, other than the vague description of a “bloody” man, established that defendant was in physical control of the vehicle. Although the officers may have had a “hunch” that defendant was involved in the accident, not enough evidence existed to elevate that hunch to probable cause. Additionally, no evidence was presented regarding the offenses at issue or whether defendant had been impaired by alcohol.

¶ 14 B. Motion for Reconsideration

¶ 15 On October 16, 2024, the State filed a motion seeking reconsideration of the court’s order granting defendant’s motion to suppress evidence. The State contended that no testimony was presented regarding “what evidence was obtained or the manner in which that evidence was obtained.” The State noted that Morales testified regarding a firearm which was recovered near trees close to defendant, and no testimony established that the firearm was recovered from defendant’s person or that defendant admitted ownership of the firearm. It argued that defendant did not establish a *prima facie* showing of an allegedly illegal search or seizure. In particular,

defendant did not establish the existence of a blood draw. Additionally, the State argued that the recovered firearm had been abandoned, and so was not subject to suppression.

¶ 16 The matter advanced to a hearing on December 17, 2024. The State argued that the court made no finding as to when defendant was arrested. Such a finding was necessary for determining what evidence the court intended to suppress as a result of the arrest. Additionally, the suppression hearing did not clearly establish the nature of the evidence obtained from defendant, and so defendant did not meet his burden to establish a *prima facie* case with respect to the motion.

¶ 17 Defense counsel argued that the State presented no evidence regarding articulable facts establishing probable cause. He contended that the court's order suppressing "any and all" evidence recovered as a result of the arrest was proper as all such evidence arose from the illegal arrest. Defense counsel commented that the State had the burden to establish attenuation between the arrest and the recovered evidence. He stated that if the State "want[ed] to file a[n attenuation] motion *** to allow that evidence in, it's their decision," but they had not done so.

¶ 18 The court granted the State's motion in part and denied it in part. Specifically, it ruled that sufficient evidence was not presented to find probable cause that defendant had committed a criminal offense, and defendant was arrested when he was placed in handcuffs and not permitted to leave the scene. Thus, defendant was in custody at the time he was transported to the hospital. The court also commented that its prior ruling suppressing "any and all" evidence subsequent to defendant's arrest was overly broad because the exclusionary rule was not intended to suppress evidence unrelated to the arrest.

¶ 19 No evidence was adduced regarding defendant being taken to the hospital after he was arrested, whether defendant voluntarily agreed to go to the hospital, and whether the blood was drawn at the direction of a doctor. As such, the court suppressed the blood draw, finding that it

was “a result of the illegal arrest.” It noted that had defendant not been arrested illegally, he would not have been transported to the hospital. The court, however, reversed its ruling regarding the recovered firearm, finding that it was in plain view or abandoned at the time defendant was taken into custody. The court noted the possibility of other evidence obtained as a result of the illegal arrest which was not introduced into evidence and commented that such evidence could “become an issue later, in a motion in *limine* perhaps.”

¶ 20 C. Attenuation Hearing

¶ 21 On January 14, 2025, the State filed a motion seeking an attenuation hearing to determine whether defendant’s blood draw at the hospital was attenuated from the illegal arrest. The State argued that for DUI cases, it was permitted to introduce the results of blood and urine testing “taken in the ordinary course of treatment by a hospital,” which are not subject to the protections of the fourth amendment.

¶ 22 On May 8, 2025, the court granted the State’s motion for an attenuation hearing regarding the blood draw over defense counsel’s objection that the State was not entitled to such a hearing after the court made its suppression ruling. The attenuation hearing was held on July 7, 2025.

¶ 23 At the hearing, defense counsel renewed his objection to proceeding with the attenuation hearing, arguing that the State had prior opportunities to raise the issue of attenuation during the suppression hearing and in its motion for reconsideration, and it should have filed a notice of appeal to address the court’s suppression ruling. It noted that the State forfeited its right to appeal due to failure to comply with the Illinois Supreme Court Rules. The court continued the attenuation hearing over defense counsel’s objection.

¶ 24 Officer Cruz testified that on December 8, 2022, she responded to a vehicular crash in Hanover Park, Illinois, where she saw a vehicle which had struck a tree. She did not see the driver.

Later, Cruz saw defendant “a block [to a] block and a half” from the accident with other officers and Hanover Park paramedics. Defendant’s face was “severely bleeding” and he was argumentative and denying care. Defendant was transported to Saint Alexius Medical Center (Saint Alexius) for treatment, where Cruz observed him in the emergency room. At Saint Alexius, defendant continued to refuse care, but “they were struggling to control the bleeding.” Cruz also requested that defendant submit to a DUI kit, but he refused to do so. Cruz did not request that a hospital staff member draw defendant’s blood; however, later, she requested a copy of the lab reports regarding the blood draw that they performed.

¶ 25 Morales testified that on December 8, 2022, he responded to the scene of the accident where he observed defendant nearby. Morales was equipped with a bodyworn camera and reviewed the footage from the camera related to the events. Morales did not travel to Saint Alexius or request that hospital staff draw defendant’s blood. Morales identified a photograph of defendant isolated from Morales’ bodyworn camera footage. This photograph is in the record on appeal and has been viewed by this court. The photograph depicts defendant kneeling on the ground, with his face entirely covered in blood, and the blood has also stained his shirt.

¶ 26 Robert Rogas, firefighter and paramedic for the Hanover Park Fire Department, testified that on December 8, 2022, he responded to the scene and interacted with defendant, whose face was “[c]overed in blood” from “an obvious head injury.” Rogas attempted to treat defendant, but he was “pretty combative, agitated, kind of refusing treatment, [and] pushing hands away.” Defendant also seemed “very confused” in addition to being noncooperative. Rogas transported him to Saint Alexius but did not have further interactions with him after doing so.

¶ 27 On cross-examination, Rogas stated that he first observed defendant handcuffed with police officers surrounding him. Rogas denied defense counsel’s assertion that the officers “put

him into [his] care” because he observed that defendant was injured so he “assumed care.” Defendant was handcuffed when he was placed into the ambulance. Defendant did not voluntarily go with the paramedics, but “he was injured pretty badly.”

¶ 28 The State introduced defendant’s medical records from Saint Alexius, which are included in the record on appeal and have been viewed by this court. The records contain no notation establishing that defendant’s blood draw was ordered by police officers.

¶ 29 Registered nurse Natalya Kovalchuk testified that she treated defendant in the emergency room at Saint Alexius on December 8, 2022. When Kovalchuk interacted with defendant, he was “alert, awake, breathing, covered in blood,” and required medical treatment. Defendant was treated using an emergency medical treatment protocol which included blood tests. According to the medical records, defendant’s blood draw was ordered by the doctor, not by police officers.

¶ 30 On cross-examination, Kovalchuk stated that she did not personally recall defendant or remember the events of the evening. She did not draw defendant’s blood but observed it because she was the “documenting nurse.” Kovalchuk did not recall restraining defendant but noted that they did have to sedate him to perform testing as he did not voluntarily submit to the tests. Kovalchuk did not know that defendant was under arrest when she saw him.

¶ 31 During the State’s closing argument, the court emphasized the fact that defendant did not consent to going to the hospital and questioned whether admitting the blood draw in this case would open the door to police officers arresting individuals without probable cause and taking them to the hospital against their will just because “they see blood on their face.” The court noted that the paramedics who assessed defendant were still state actors for purposes of the analysis.

¶ 32 The court denied the State’s motion to find that the blood draw was attenuated from the illegal arrest and ordered the blood draw to remain suppressed. In ruling, the court found that

Paramedic Rogas was acting as a state actor for purposes of the investigation and transported defendant to Saint Alexius through state action. The court found that Rogas' justification for transporting defendant to the hospital against his will was insufficient, namely that he had blood on his face and "was having trouble answering questions and seemed incoherent." But even if it were sufficient, Rogas would not have treated defendant had no illegal arrest transpired. Therefore, the illegal arrest triggered all subsequent events, including the blood draw. Although the blood was not drawn at the direction of a police officer, defendant was taken to the hospital against his will, relevant here because defendant was in custody illegally. The court found that the illegal seizure was "the poisonous tree," and the blood draw was the "fruit obtained from that poisonous tree," notwithstanding the fact that it was done at the direction of medical professionals. The court ruled that the blood draw was not sufficiently attenuated from the illegal arrest to warrant reversal of its suppression order.

¶ 33 On August 4, 2025, the State filed a notice of appeal from the trial court orders granting defendant's motion to suppress evidence, denying the State's motion for reconsideration, and denying the State's motion for attenuation.

¶ 34 II. ANALYSIS

¶ 35 On appeal, the State argues that the trial court erroneously suppressed defendant's blood draw. It contends that defendant did not establish a *prima facie* case for the suppression of the hospital blood draw, but, even if he had, the blood draw was attenuated from the illegal arrest because it was drawn in the ordinary course of medical treatment rather than at the direction of law enforcement.

¶ 36

A. Jurisdiction

¶ 37

As an initial matter, defendant contends that we lack jurisdiction to hear the State’s appeal from the suppression hearing as the State did not timely appeal from the suppression or reconsideration orders. Defendant further argues that the State’s motion seeking an attenuation hearing was not a motion directed against the judgment, which would have tolled the time to file a notice of appeal.

¶ 38

The State appealed under Illinois Supreme Court Rule 604(a)(1) (eff. Apr. 15, 2024). In a criminal prosecution, the State may appeal from an order or judgment suppressing evidence. Ill. S. Ct. R. 604(a)(1) (eff. Apr. 15, 2024). Under Rule 604(a)(1), an order suppresses evidence “when it prevents [the] information from being presented to the factfinder.” *People v. Jefferson*, 2024 IL 128676, ¶ 27 (internal quotation marks omitted).

¶ 39

This appeal implicates the *Taylor* rule, which establishes that under Rule 604, “the State is barred from retrying issues previously considered by the trial court in a suppression order when the State did not timely appeal from that order.” *People v. Holmes*, 235 Ill. 2d 59, 66-67 (2009) (citing *Taylor*, 50 Ill. 2d at 140). The *Taylor* rule, although it is “a discrete rule of Illinois procedure,” resembles the doctrine of *res judicata*, and so applies to all issues that were or could have been raised in the earlier proceeding. *Williams*, 138 Ill. 2d at 392. Further, attenuation “cannot be detached” from the issue of suppression to establish a separate issue exempted from the *Taylor* rule. *Id.* at 396-97 (barring consideration of an untimely attenuation motion); see also *People v. Shipp*, 2020 IL App (2d) 190027, ¶ 36 (noting that the supreme court in *Williams* found that “the attenuation question was part and parcel of the suppression question and could not be severed,” and, as such, the State should have sought timely reconsideration of the suppression order or an appeal from it).

¶ 40 Illinois Supreme Court Rule 606(b) governs the timeliness requirements for filing a notice of appeal under Rule 604(a). *People v. Williams*, 2019 IL App (5th) 180024, ¶ 15. Under Rule 606(b), “the notice of appeal must be filed with the clerk of the circuit court within 30 days after the entry of the final judgment appealed from or if a motion directed against the judgment is timely filed, within 30 days after the entry of the order disposing of the motion.” Ill. S. Ct. R. 606(b) (eff. Jan. 1, 2026). A motion directed against the judgment must “seek substantive change to the judgment.” *Williams*, 2019 IL App (5th) 180024, ¶ 23. “The plain language of Rule 606(b) contemplates the filing of only one postjudgment motion directed against the final judgment.” *People v. Stevenson*, 2011 IL App (1st) 093413, ¶ 35 (internal quotation marks omitted). Accordingly, Rule 606(b) does not permit “successive and repetitious motions that raise issues that were or could have been raised earlier and thereby extend the time for appeal.” *Id.*

¶ 41 Here, the trial court initially granted defendant’s suppression motion on September 17, 2024. The State filed a motion seeking reconsideration on October 16, 2024. The matter proceeded to a hearing on December 17, 2024, where the court granted the State’s motion for reconsideration in part and denied it in part. The State then had until January 16, 2025, to file a notice of appeal. It did not do so. Instead, on January 14, 2025, it filed a successive motion directed against the suppression ruling, the motion seeking an attenuation hearing. The court advanced the matter to an attenuation hearing and denied the State’s attenuation argument on July 7, 2025.

¶ 42 Under the *Taylor* rule, the State’s attenuation argument could have been raised earlier as it cannot be severed from the issue of suppression. See *Williams*, 138 Ill. 2d at 396-97. Thus, the State’s motion seeking the attenuation is barred as untimely. See *Holmes*, 235 Ill. 2d at 66-67. Trial courts have no jurisdiction to hear such successive postjudgment motions. See *Old Second National Bank v. Karolewicz*, 2022 IL App (1st) 192091, ¶ 21 (finding the circuit court “had no

jurisdiction to consider” a “successive postjudgment motion to reconsider because it no longer had jurisdiction to modify the final judgment”). As such, the trial court had no jurisdiction to consider the State’s January 14, 2025, motion, and its May 8 and July 7, 2025, orders granting the hearing and denying the motion are void. See *People v. Bailey*, 2014 IL 115459, ¶ 28 (where the trial court lacked jurisdiction, its ruling on the merits of a motion was void).

¶ 43 Our supreme court has instructed that where the trial court had no jurisdiction to enter a judgment, this court should not dismiss the appeal as doing so would leave intact the trial court’s ruling despite its lack of jurisdiction. *Id.* (“dismissing an appeal effectively leaves the lower court’s ruling on the merits undisturbed and intact,” which is “not the appropriate outcome” if the trial court lacked jurisdiction). Rather, we should vacate the void judgment and order the improper motion be dismissed. *Id.* ¶ 29. So, in order that the trial court’s void judgment is not left intact here, we must vacate the court’s May 8, 2025, order granting the attenuation hearing and its judgment of July 7, 2025, and order that plaintiff’s successive postjudgment motion of January 14, 2025, be dismissed. *Id.*

¶ 44 III. CONCLUSION

¶ 45 For the foregoing reasons, we vacate the trial court’s May 8 and July 7, 2025, orders and order that the State’s successive postjudgment motion of January 14, 2025, be dismissed.

¶ 46 Order vacated; motion dismissed.