2026 IL App (2d) 260109-U
No. 2-26-0109
Order filed June 9, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee,

v.

ERICK CRUZ-JIMINEZ, Defendant-Appellant.

Appeal from the Circuit Court of Kane County.
Honorable Julia Yetter, Judge, Presiding.
No. 26-CF-257

JUSTICE HUTCHINSON delivered the judgment of the court.
Justices McLaren and Mullen concurred in the judgment.

ORDER

¶ 1 *Held*: The circuit court did not err in granting the State's petition to detain defendant for trial; defendant was found in possession of a loaded handgun and a large quantity of narcotics, and he admitted to having carried out prior drug deliveries.

¶ 2 Defendant, Erick Cruz-Jiminez, appeals from the circuit court's order denying his request for pretrial release while he awaits trial on multiple non-probationable drug and weapon offenses. Although our review is *de novo*, we nevertheless agree with the circuit court's findings and affirm its judgment.

¶ 3 I. BACKGROUND

¶ 4 At around 10:00 p.m. on February 4, 2026, Elgin police received a report of a male in a black Chevrolet Silverado who "pulled out a gun and was intoxicated." Police officers responded

and conducted a felony stop on the vehicle. Defendant was the driver. While the car was stopped, defendant and the front seat passenger, Luis DeBlas Rangel, "were scrambling to hide things[.]" Police ordered all five suspects out of the car at gunpoint and secured them.

¶ 5 Officers observed open alcoholic beverage containers throughout the vehicle. Defendant told the officers that there was a firearm in the car and methamphetamine inside of a lockbox "book." Officers found a loaded .22-caliber revolver underneath the driver's seat and the lockbox "book" in the center console. On the passenger side, police recovered a clear plastic baggie containing a white powdery substance and a box containing 100 rounds of .22-caliber ammunition. According to the police report, "[defendant] admitted to coordinating a pick up location [*sic*] to retrieve the firearm, ammo, and 'book' lockbox so that he could deliver them to an unknown location in Elgin near [Interstate] 90."

¶ 6 Inside of the lockbox, officers found a package containing 307.9 grams of a substance that field-tested positive for both methamphetamine and fentanyl. The baggie found on the passenger side contained 2.3 grams of cocaine. Defendant admitted that he knew the pistol was loaded. Defendant stated that he "has delivered similar drugs multiple times in the past for the same individual." Rangel, the front-seat passenger, told police that he had seen defendant at some point "get out of the vehicle and walk around with the firearm at his side." Defendant does not have a FOID card or a concealed carry license.

¶ 7 Based on the foregoing, defendant was charged with multiple offenses including armed violence with a category one weapon (720 ILCS 5/33A-2(a) (West 2024)), manufacture or delivery of between 100 and 400 grams of a substance containing fentanyl (*id.* § 401(a)(1.5)(B)), possession with intent to deliver between 100 and 400 grams of a substance containing methamphetamine (*id* § 55(a)(2)(D)), and aggravated unlawful use of a weapon (*id.* § 24-1.6(a)(1)(3)(A-5)). The State

filed a verified petition to detain defendant prior to trial on the grounds that he was charged with multiple non-probationable class X offenses and was a danger to the community.

¶ 8 At arraignment, the circuit court, Judge Salvatore LoPiccolo, entered a finding of probable cause and also heard the State's detention motion. The parties proceeded by way of proffer. The State noted that although defendant had no prior criminal history, the sheer amount of narcotics in his possession, as well as a loaded firearm with over 100 rounds of ammunition, demonstrated that he is a danger to the community. The prosecutor also noted defendant's statement that he had previously delivered "similar drugs multiple times in the past," indicating that defendant had continuing access to drugs and weapons. Furthermore, the prosecutor stated the initial basis for the vehicle stop that night was that someone in the vehicle had displayed a weapon, and the passenger indicated that person was defendant.

¶ 9 In response, defense counsel proffered that defendant lives with his wife and has three children, ages 13, 11, and 6. Defendant works as a landscaper and is member of a labor union. In. the offseason, he does temporary "warehouse work." Counsel noted that defendant had been given court supervision for a 2015 DUI charge, which he had completed satisfactorily. With respect to the present charges, counsel noted that there were five total people in the car and that defendant was "completely cooperative" with the police. Counsel also sought to cast doubt on the field testing kits police used and stated that defendant identified the substance as being methamphetamine, not fentanyl. Counsel also stated that the box of 100 rounds of ammunition is "not a large amount" and is "the smallest amount of ammunition that you can buy."[1]

[1]We take judicial notice of the fact that .22 LR rimfire ammunition may regularly be purchased in quantities less than 100 rounds, typically in boxes of 50 rounds, but there are other options. For example, Farm & Fleet in Elgin sells .22 LR shotshells in a box of 20 rounds for $9.99. See

¶ 10 The circuit court granted the State's petition. The court noted that whether the substance was methamphetamine or fentanyl, it was still a highly dangerous drug that defendant admitted to possessing and delivering, and that the drugs alone, based on the specific facts of this case, were "a real and present threat to the safety of the community." The court noted there was evidence defendant was driving while intoxicated and was observed in possession of the firearm outside of the vehicle. The court stated, "that in and of itself right there [also] poses a threat to the community because now you have a guy who is intoxicated walking around with a loaded gun" and transporting a large quantity of narcotics. The court noted that this was all part and parcel of a criminal enterprise: "[t]he combination of gun and drugs is for the purpose of protecting the product and protecting the proceeds ***." The court further noted that electronic home monitoring (EHM) and GPS tracking would not prevent defendant from possessing controlled substances or firearms—"he would still pose the exact same threat that he posed when he was found with the [drugs] and the gun yesterday" when he was arrested. With that, the court granted the State's detention petition and entered a detailed handwritten order memorializing its findings.

¶ 11 After arraignment, defendant's case was assigned to the felony courtroom of Judge Julia Yetter. At the first court date before Judge Yetter, on February 13, 2026, defense counsel proffered some additional details concerning defendant's continued detention. Counsel noted that defendant's 13-year-old son suffers from a degenerative condition wherein he is losing his hearing and vision; defendant's wife, Elizabeth, is her eldest son's full-time caretaker. According to counsel, defendant and his wife "have to attend numerous IEP educational planning meetings with

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https://www.farmandfleet.com/products/042149-cci-22-lr-shotshell.html; see also *Aurora Loan Services, LLC v. Kmiecik*, 2013 IL App (1st) 121700, ¶ 37 ("[a]n appellate court may take judicial notice of readily verifiable facts").

the school for their [eldest] son and medical visits" specialists at Lurie Children's hospital. Counsel indicated that defendant's family could not continue to afford their apartment in Elgin if defendant was unable to work, and that Elizabeth and the children would be forced to move in with her parents at a residence in South Elgin. Counsel stated that, if released, defendant was amenable to EHM at either residence. The State had nothing additional to proffer.

¶ 12 Judge Yetter reiterated the facts of the case and emphasized defendant's confession to possessing a loaded gun as well as his participation in continuing narcotics offenses. The court agreed with the State that EHM would not sufficiently mitigate the real and present threat posed by defendant.

¶ 13 After the hearing, defense counsel filed a written motion for relief, which generally asserted that the State's evidence at the initial detention hearing was not clear and convincing. The motion was heard on March 4, 2026. No new evidence was proffered by either side. With respect to the 100 rounds of ammunition found in the vehicle, defense counsel reiterated that "it's our position that is the standard box" and "when it's in its normal packaging it is just a unit." The circuit court restated its position that these were detainable offenses, that defendant presented a danger to the community, and that ordinary pretrial release conditions were inadequate to mitigate that danger. Defendant timely appealed.

¶ 14 II. ANALYSIS

¶ 15 Before this court, defendant has filed an appellate brief that largely restates the arguments presented in the initial detention hearing and the hearing on the motion for relief. Like the circuit court, we find defendant's arguments unpersuasive.

¶ 16 Pursuant to 725 ILCS 5/110-6.1 (West 2024), the State may seek pretrial detention based on the defendant's dangerousness or risk of willful flight. Here, the State's petition to detain

proceeded under the allegation of defendant's dangerousness, and the parties proceeded by way of proffer. Under the dangerousness standard, the State must prove by clear and convincing evidence that (1) "the proof is evident or the presumption great" that the defendant is charged with a detainable, non-probationable felony; (2) "the defendant poses a real and present threat to the safety of any person or persons or to the community"; and (3) "no condition or combination of conditions" can mitigate that threat. *Id*. §§ 110-6.1(a)(1), (a)(4), (e). Where parties to a pretrial detention hearing proceed solely by proffer, our review is *de novo*. *People v. Morgan*, 2020 IL 130626, ¶ 51.

¶ 17 With respect to dangerousness, the court may consider a variety of factors in making a determination of dangerousness, which may include, but are not limited to, the nature and circumstances of the charged offense, including whether the crime was a crime of violence; the history and characteristics of the defendant; any statements made by or attributed to the defendant, together with the circumstances surrounding his statements; and the age and physical condition of the defendant. 725 ILCS 5/110-6.1(g) (West 2024).

¶ 18 Although our review is independent of the circuit court's judgment, we have little to add to it. The circumstances surrounding the 9-1-1 call that prompted the felony car-stop are not entirely clear from the record; nevertheless, police were given information indicating that defendant was driving, intoxicated, and in possession of a handgun. Defendant was then arrested in possession of a loaded revolver, 100 rounds of ammunition, and a significant quantity of dangerous drugs.

¶ 19 While defendant challenges the reliability of the field-testing for fentanyl, it would not be hyperbole to say that more than 300 grams of any controlled substance, whether it was methamphetamine or fentanyl or a combination of both, is practically a weapon of mass

destruction, capable of causing multiple deaths. We note, too, that officer testimony of positive field-test results has long been considered "competent evidence" of the presence of narcotics, even in the absence of a lab report. See *People v. Harrison*, 26 Ill. 2d 377, 379-80 (1962). Thus, in the absence of contrary evidence, there is strong reason to believe that defendant was in possession of both substances, especially at this preliminary stage of the case. It further appears that defendant's drug possession was not a one-time occurrence, as defendant admitted he had "delivered similar drugs multiple times in the past for the same individual." Finally, we note that during the car stop, defendant and the front passenger were seen making furtive movements, as if attempting to hide contraband, which only further indicates knowing possession. See *People v. Turner*, 78 Ill. App. 3d 82, 94 (1979) ("[e]vidence that a defendant has attempted to conceal or suppress evidence is admissible as tending to show consciousness of guilt").

¶ 20 Although defendant points to his minimal criminal history, the 2015 DUI, it is an alarming step up to armed violence, the possession of bulk-packaged drugs, and illegal possession of a loaded handgun. We cannot say that defendant's criminal history alone shows that he is not dangerous, when the specific articulable facts of this case reveal that he is. Further, like the circuit court, we agree that EHM and GPS would be insufficient to keep either drugs or guns out of defendant's hands. See *People v. Reyes*, 2026 IL App (1st) 252639, ¶ 63 ("[e]lectronic monitoring and GPS may confirm that defendant is at home, but they do not reveal what is transpiring there"). "[E]lectronic monitoring simply informs police that a defendant [has] violated his home-confinement restriction, but [it] does not provide much in the way of *prevention*." (Emphasis in original and internal quotation marks omitted) *Id.* Thus, contrary to his assertion, even if defendant were to comply with pretrial release conditions, we have been given no reason to believe that those conditions would be sufficient to mitigate the danger he presents.

¶ 21 III. CONCLUSION

¶ 22 Even though we make our assessment independent of the circuit court's findings, we nevertheless reach the same conclusion, namely, that defendant has been charged with a detainable offense, that he poses a danger to the community, and that traditional pretrial release conditions could not mitigate that danger. Accordingly, and for the reasons stated, we affirm the judgment of the circuit court of Kane County.

¶ 23 Affirmed.