2026 IL App (2d) 250541-U
No. 2-25-0541
Order filed September 21, 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NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).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.

ERIC N. MITCHELL, Defendant-Appellant.

Appeal from the Circuit Court of De Kalb County.
Honorable Philip G. Montgomery, Judge, Presiding.
No. 24-CF-554

JUSTICE McLAREN delivered the judgment of the court.
Justices Jorgensen and Mullen concurred in the judgment.

ORDER

¶ 1 *Held*: Appellate defender's motion to withdraw was granted, and defendant's conviction was affirmed, where there was no arguably meritorious basis for appeal.

¶ 2 Following a jury trial in the circuit court of De Kalb County, defendant, Eric N. Mitchell, was found guilty of felony driving while license revoked (625 ILCS 5/6-303(a), (d-3) (West 2022)) but not guilty of aggravated driving under the influence of alcohol (DUI) (*id.* § 11-501(a)(2), (d)(1)(G), (d)(1)(K)). The trial court sentenced defendant to 18 months in prison. Defendant filed a timely notice of appeal, and the Office of the State Appellate Defender was appointed to represent him. Per *Anders v. California*, 386 U.S. 738 (1967), and *People v. Jones*, 38 Ill. 2d 384 (1967), the appellate defender moves to withdraw as counsel. In her motion, counsel states that she read

the record and found no issue of arguable merit. Counsel further states that she advised defendant of her opinion. Counsel supports her motion with a memorandum of law that provides a statement of facts and argues that this appeal presents no issue of arguable merit. We advised defendant that he had 30 days to respond to the motion. That time has passed, and defendant has not responded. For the reasons set forth below, we grant the motion to withdraw and affirm defendant's conviction.

¶ 3 I. BACKGROUND

¶ 4 After defendant's arrest in this case, he was released from custody. However, because he was subsequently charged with aggravated DUI in a separate case, the State filed a petition to revoke his pretrial release. The trial court granted the petition. Defendant then filed a motion under Illinois Supreme Court Rule 604(h)(2) (eff. Apr. 15, 2024) for relief from the revocation of pretrial release. Defendant also filed pretrial motions to (1) suppress evidence and (2) either bar the State from using Law Enforcement Agencies Data System (LEADS) reports about prospective jurors or, alternatively, compel the State to provide him with such reports. In case defendant elected to testify at trial, the State moved to admit, for impeachment purposes, two prior felony convictions: a 2017 conviction of aggravated DUI and a 2019 conviction of defrauding a drug screening test.

¶ 5 At the hearing on the motion to suppress, Sycamore police officer David Dortmund testified under defense examination that, shortly before midnight on October 7, 2024, he conducted a traffic stop of a vehicle. Asked if he observed any moving violations before the stop, Dortmund responded, "Improper signal." Asked if he observed any equipment violations, Dortmund testified, "No rear registration light." Dortmund's squad car was equipped with a dashboard camera that recorded the vehicle as Dortmund followed it before the stop. The video recording

was admitted into evidence and played at the hearing. The court also admitted a screenshot from the video into evidence. Dortmund acknowledged that the screenshot showed that the vehicle's rear license plate was "lit up." At that point, the following exchange occurred:

"THE COURT: You keep saying license plate that was lit up, but you testified that there was no license plate light.

I'm assuming that you're referring to the fact that there was a reflection from your lights on the license plate which is obviously reflective.

WITNESS: Yes, sir.

THE COURT: Okay, thank you.

MR. CRISWELL [(DEFENSE ATTORNEY)]: Judge, I object to that line of questioning right now, for the record.

THE COURT: Well, you can object all you want, but I mean ....

MR. CRISWELL: We each have a job, Judge.

THE COURT: Well, I believe part of your job is to be an officer of the court and to not mislead the [c]ourt.

MR. CRISWELL: Understood, Judge."

Asked if it was his testimony that the rear registration light "[was] not working at all," Dortmund responded, "It was not working properly, ***." Dortmund further testified that the driver improperly changed lanes, *i.e.*, did not signal 100 feet before the lane change. After stopping the vehicle, Dortmund spoke to the driver, who was defendant. Dortmund acknowledged telling defendant that his registration light was "barely on."

¶ 6 Asked on cross-examination by the State whether he observed any criminal violations, Dortmund testified that he "believe[d] the driver of the vehicle had a suspended and revoked

license." The trial court overruled defendant's objection that the testimony was beyond the scope of direct examination. Dortmund was then asked, "And at what point did you think that the driver of the vehicle had a suspended license?" He answered, "When I observed him leaving the Circle K store and enter into a vehicle that I later stopped." After observing the individual, Dortmund "conducted an inquiry into his license, and the status came back suspended and revoked." The prosecutor asked Dortmund how he was "able to confirm the identity of [the] driver before leaving the Circle K[.]" At that point, defendant objected, and the following exchange occurred:

> "MR. CRISWELL: Objection, Judge, beyond my scope.
>
> THE COURT: Okay, overruled.
>
> ***
>
> THE COURT: *** So I could sustain the objection and then make him recall him in his case?
>
> MR. CRISWELL: Correct, Judge, which would impact how I impeach him.
>
> THE COURT: Okay. Well, your objection is overruled."

Dortmund then testified, "I looked up an in-house booking photo of him, and confirmed with the booking photo and him leaving the Circle K." When asked, "And what was the identity of that individual at the time?" Dortmund answered, "Eric Mitchell."

¶ 7 The trial court denied the motion to suppress, finding that (1) when the driver entered the vehicle, Dortmund identified him as defendant and confirmed that his license was currently revoked; and (2) defendant changed lanes without signaling sufficiently in advance, as shown in the dashboard camera video. As for the issue of the rear registration light, the court said:

> "[A]s the defense has noted, it's difficult to determine if the light was working based on the video or if it was a reflection of the plate itself that caused it to be illuminated.

Couple that with the officer's admission that he told the defendant the plate light was dim, not out, I will not consider this as a basis for the stop."

¶ 8 The trial court turned to the remaining pretrial motions. First, relying on *People v. Franklin*, 135 Ill. 2d 78, 94-96 (1990), the court denied defendant's motion regarding LEADS reports concerning prospective jurors. Second, the court granted the State's motion to admit evidence of defendant's prior conviction of defrauding a drug screening test, if defendant testified at trial. The court barred evidence of the prior aggravated DUI conviction. Third, the court indicated that it would defer ruling on defendant's Rule 604(h)(2) motion until after trial. The court "[did not] want to overburden the [a]ppellate [c]ourt" with an issue that "one way or another *** may be moot."

¶ 9 At trial,[1] on direct examination, Dortmund testified that he observed defendant enter the driver's side of a vehicle parked at a Circle K store. At that time, Dortmund inquired into the statuses of the vehicle and defendant's driver's license. Dortmund learned that the vehicle was registered to defendant's wife and that defendant's driver's license was currently revoked. After stopping the vehicle, Dortmund spoke with defendant, who admitted that he knew his license was revoked. During redirect examination, the following exchange occurred:

"Q. [W]hen you ran the defendant's license plate—driver's license and you learned he was revoked, how did you confirm it, through which agency?

A. The DeKalb County Sheriff's Office communications.

Q. And did that link to the Secretary of State?

A. Yes.

Q. And did you see the driving abstract?

[1]We summarize only the evidence germane to the charge of driving while license revoked.

A. Yes."

The State then introduced, without defense objection, a copy of defendant's driving abstract. The abstract stated at the end: "Revocation was in effect on 10-08-2024."

¶ 10 When the State rested, defendant moved for a directed verdict, arguing that his driving abstract was inconclusive on his guilt of driving while license revoked. Defendant explained that the abstract stated that his revocation was "in effect on 10-08-2024," but Dortmund witnessed defendant driving shortly before midnight on October 7, 2024. The trial court denied the motion, noting that Dortmund testified not only that he confirmed on October 7, 2024, that defendant's license was currently revoked, but also that defendant admitted during the traffic stop that his license was currently revoked.

¶ 11 The defense presented no evidence.

¶ 12 As noted, the jury found defendant guilty of felony driving while license revoked. At sentencing, the State again admitted defendant's driving abstract into evidence. It showed that defendant's driver's license had been revoked in December 2012 under section 6-205(a)(2) of the Illinois Vehicle Code (Vehicle Code) (625 ILCS 5/6-205(a)(2) (West 2022)), which mandates revocation of a motorist's driver's license upon a conviction of violating section 11-501 of the Vehicle Code (*id.* § 11-501) or a similar provision of a local ordinance. The abstract did not show that defendant's license was ever reinstated. Following the December 2012 revocation, defendant had four convictions of driving while license revoked, based on incidents in August 2014, April 2016, March 2017, and June 2018. The court rejected the State's request for an extended-term sentence and imposed an 18-month prison term.

¶ 13 II. ANALYSIS

¶ 14 In the memorandum accompanying her motion to withdraw, counsel advises us that she considered whether to raise the following issues on appeal: (1) whether the evidence was sufficient to prove beyond a reasonable doubt that defendant was guilty of felony driving with a revoked license; (2) whether the trial court erred in granting the State's pretrial motion to admit evidence of defendant's prior conviction of defrauding a drug screening test, if defendant elected to testify at trial; (3) whether the trial court erred by denying defendant's pretrial motion to either bar the State from using LEADS reports pertaining to prospective jurors or, alternatively, compel the State to provide him with such reports; (4) whether the trial court acted as an advocate for the State by questioning Dortmund during the hearing on defendant's motion to suppress; (5) whether the trial court erred in denying the motion to suppress; (6) whether the trial court erred by deferring consideration of defendant's motion for relief from the order revoking pretrial release; and (7) whether the trial court abused its discretion by sentencing defendant without considering certain mitigating factors. Counsel concludes that none of the issues is arguably meritorious. We agree.

¶ 15 We first consider whether there is any arguably meritorious basis for challenging the sufficiency of the evidence to support defendant's conviction of felony driving while license revoked (625 ILCS 5/6-303(a), (d-3) (West 2022)). When a criminal defendant challenges the sufficiency of the evidence to sustain a conviction, " 'the relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime proved beyond a reasonable doubt.' " *People v. Collins*, 106 Ill. 2d 237, 261 (1985) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)).

¶ 16 Subject to exceptions that do not apply here, section 6-303(a) of the Vehicle Code (625 ILCS 5/6-303(a) (West 2022)) provides, in pertinent part, that "any person who drives or is in actual physical control of a motor vehicle on any highway of this State at a time when such person's driver's license *** is revoked *** shall be guilty of a Class A misdemeanor." The State introduced defendant's driving abstract, which stated that his license revocation was in effect on October 8, 2024. Although Dortmund testified that he observed defendant driving shortly before midnight on *October 7*, 2024, Dortmund testified not only that he confirmed on October 7, 2024, that defendant's license was currently revoked, but also that defendant admitted during the traffic stop that his license was currently revoked. It would be frivolous to argue that no rational trier of fact could have found the essential elements of a section 6-303(a) violation proven beyond a reasonable doubt.

¶ 17 Defendant's section 6-303(a) violation was enhanced to a felony under section 6-303(d-3) of the Vehicle Code (*id.* § 6-303(d-3)(1), (2)), which provides, in pertinent part:

> "(d-3) Any person convicted of a fourth, fifth, sixth, seventh, eighth, or ninth violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 180 days, if:
>
> (1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code; and
>
> (2) the prior convictions under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code[.]"

¶ 18 Prior convictions that enhance an offender's sentence—*i.e.*, that "increase[ ] [a sentence] *** from one classification of offense to another higher level classification of offense"—are not elements of the offense and need not be proven beyond a reasonable doubt during trial. 725 ILCS 5/111-3(c) (West 2022); see also *People v. Watson*, 322 Ill. App. 3d 164, 168 (2001). Here, evidence at sentencing satisfied the criteria for enhancing defendant's sentence to a Class 4 felony. The abstract of defendant's driving record showed that his license had been revoked in 2012 for driving under the influence, in violation of section 11-501 of the Vehicle Code (625 ILCS 5/11-501 (West 2010)). The abstract does not indicate that defendant's license was ever reinstated. Finally, the abstract shows that, between the revocation of his license and the incident giving rise to the present case, defendant was convicted of driving while license revoked on four occasions. Thus, there is no arguably meritorious basis for challenging the enhancement of the offense to a Class 4 felony.

¶ 19 Second, we consider whether there is any arguably meritorious basis for challenging the trial court's pretrial ruling that, if defendant chose to testify, the State would be allowed to impeach him with evidence of his prior conviction of defrauding a drug screening test.

> "[E]vidence of a witness'[s] prior conviction is admissible to attack the witness'[s] credibility where: (1) the prior crime was punishable by death or imprisonment in excess of one year, or involved dishonesty or false statement regardless of the punishment; (2) less than 10 years has elapsed since the date of conviction of the prior crime or release of the witness from confinement, whichever is later; and (3) the probative value of admitting the prior conviction outweighs the danger of unfair prejudice." *People v. Mullins*, 242 Ill. 2d 1, 14 (2011); see also Ill. R. Evid. 609 (eff. Jan. 1, 2011).

"The trial court's admission of a prior conviction for impeachment will not be disturbed absent an abuse of discretion." *People v. Garner*, 2017 IL App (2d) 150045, ¶ 24. At the time of defendant's 2025 trial, less than 10 years had elapsed since defendant's 2019 conviction of defrauding a drug screening test, which; both involved dishonesty and was a Class 4 felony (720 ILCS 5/17-57(c) (West 2016)) carrying a possible prison sentence of up to three years (730 ILCS 5/5-4.5-45(a) (West 2016)). Moreover, it cannot credibly be argued that the trial court abused its discretion by determining that the conviction's probative value as impeachment evidence outweighed the danger of unfair prejudice.

¶ 20 Third, we consider whether the trial court erred by denying defendant's pretrial motion to either bar the State from using LEADS reports about prospective jurors or, alternatively, compel the State to provide him with such reports. In *Franklin*, 135 Ill. 2d at 94-96, our supreme court held that the prosecution's use of law enforcement records, which were not tendered to the defense, to verify prospective jurors' statements about their criminal histories did not deprive the defendant of an impartial jury. The court reasoned that "[a] venireperson's lack of veracity in no way promotes the administration of justice and cannot be deemed beneficial to the accused's or the State's case in chief." *Id.* at 95. In light of *Franklin*, there is no nonfrivolous basis for challenging the denial of defendant's motion.

¶ 21 Fourth, we consider whether the trial court acted as an advocate for the State by questioning Dortmund during the hearing on defendant's motion to suppress. The trial court's question clarified that, although Dortmund testified that the license plate of defendant's vehicle was illuminated, the light source was Dortmund's vehicle's headlights rather than the registration light on defendant's vehicle. The court's question and Dortmund's answer supported the State's theory that Dortmund was entitled to stop defendant for an equipment violation. However, even

assuming, *arguendo*, that the trial court's questions were improper, any error was harmless. The trial court denied the motion to suppress for reasons entirely unrelated to Dortmund's testimony regarding the registration light. Accordingly, there is no arguably meritorious basis for challenging the denial of the motion to suppress based on the trial court's question to Dortmund.

¶ 22 Fifth, we consider the merits of the trial court's ruling on defendant's motion to suppress. The motion challenged the constitutionality of the traffic stop leading to defendant's arrest. The fourth amendment to the United States Constitution provides that "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated[.]" U.S. Const., amend. IV. A traffic stop is a seizure and must comply with the fourth amendment's reasonableness requirement. *People v. Close*, 238 Ill. 2d 497, 504-05 (2010). "A police officer is justified in stopping and detaining a driver if the officer observes the driver commit a traffic offense or has probable cause to believe a traffic violation has occurred." *People v. Sadeq*, 2018 IL App (4th) 160105, ¶ 59. Dortmund testified at the suppression hearing that he visually identified defendant as the driver of the vehicle and learned that defendant's license was revoked. The trial court credited Dortmund's testimony, and we must defer to a trial court's assessment of a witness's credibility in a suppression hearing unless the court's assessment is manifestly erroneous. *People v. Beard*, 2025 IL App (5th) 230522, ¶ 48. There is no potentially meritorious basis for challenging the court's determination that Dortmund was a credible witness. Thus, because Dortmund's testimony provided a constitutional basis for the traffic stop, there is no credible basis for challenging the denial of defendant's motion to suppress.

¶ 23 Sixth, we consider the trial court's refusal to rule on defendant's Rule 604(h)(2) motion before trial. Illinois Supreme Court Rule 604(h)(1)(ii) (eff. Apr. 15, 2024) provides that a defendant may appeal from an order revoking pretrial release. However, Rule 604(h)(2) provides,

"As a prerequisite to appeal, the party taking the appeal shall first present to the trial court a written motion requesting the same relief to be sought on appeal and the grounds for such relief. The trial court shall promptly hear and decide the motion for relief. ***." Ill. S. Ct. R. 604(h)(2) (eff. Apr. 15, 2024). We note that the record reflects that the trial court deferred considering defendant's motion because it did not believe that we would be able to dispose of a Rule 604(h)(1)(ii) appeal before trial. That rationale presupposes that the trial court would have denied the motion and also seems to run afoul of the requirement that such motions be heard and decided "promptly." That said, we cannot grant defendant relief now, because he has already been convicted and sentenced.

¶ 24 Finally, we consider whether there is any potentially meritorious basis for arguing that the trial court erred by failing to consider certain factors in mitigation during sentencing. Counsel notes that, according to corrections records, defendant has fully served his sentence. We have confirmed this. Thus, any challenge to defendant's sentence is moot. See *People v. Funches*, 2019 IL App (3d) 160644, ¶ 8.

¶ 25 III. CONCLUSION

¶ 26 For the reasons stated, we grant the appellate defender's motion to withdraw, and we affirm the judgment of the circuit court of De Kalb County.

¶ 27 Affirmed.