

No. 122761

IN THE

## SUPREME COURT OF ILLINOIS

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PEOPLE OF THE STATE OF	)	Appeal from the Appellate Court of
ILLINOIS,	)	Illinois, No. 3-15-0264.
	)	
Plaintiff-Appellee,	)	There on appeal from the Circuit
	)	Court of the Twelfth Judicial
-vs-	)	Circuit, Will County, Illinois, No.
	)	09-CF-1345.
	)	
JORGE MANZO, JR.	)	Honorable
	)	Edward A. Burmila, Jr.,
Defendant-Appellant.	)	Judge Presiding.

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## BRIEF AND ARGUMENT FOR DEFENDANT-APPELLANT

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## ORAL ARGUMENT REQUESTED

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## POINT AND AUTHORITIES

Page

**The trial court erred in finding probable cause to search Jorge Manzo's home where he was not the target of the search warrant, there was no direct evidence that criminal activity was ongoing in his home, and the totality of the circumstances established only that Ruben Casillas, the target, had driven a car which was registered to a third person using Manzo's home address, to and from a single drug transaction conducted in public, and Casillas was seen leaving the home before one other such transaction** 19

*United States v. Leon*, 468 U.S. 897 (1984) . . . . . 19

*People v. McCarty*, 223 Ill. 2d 109 (2006) . . . . . 19

*People v. Sutherland*, 223 Ill. 2d 187 (2006) . . . . . 19

*People v. Rojas*, 2013 IL App (1st) 113780 . . . . . 19

**A. The totality of the circumstances did not establish a substantial basis for the magistrate to find a fair probability that evidence of Casillas's criminal activity would be found in Manzo's home.** 21

U.S. Const., amend. IV. . . . . 21

Ill. Const.1970, art. I, § 6 . . . . . 21

*Florida v. Jardines*, 569 U.S. 1 (2013) . . . . . 21

*United States v. Leon*, 468 U.S. 897 (1984) . . . . . *passim*

*Illinois v. Gates*, 462 U.S. 213 (1983) . . . . . *passim*

*Payton v. New York*, 445 U.S. 573 (1980) . . . . . 21

*United States v. United States Dist. Ct. for the E.D.*, 407 U.S. 297 (1972) . . . . . 21

*Aguilar v. State of Tex.*, 378 U.S. 108 (1964) . . . . . 23, 26, 28

*Silverman v. United States*, 365 U.S. 505 (1961) . . . . . 22

*People v. Sutherland*, 223 Ill. 2d 187 (2006) . . . . . 31

<i>People v. McCarty</i> , 223 Ill. 2d 109 (2006) . . . . .	<i>passim</i>
<i>People v. Hickey</i> , 178 Ill. 2d 256 (1997) . . . . .	22, 27, 28
<i>People v. Thompkins</i> , 121 Ill. 2d 401 (1988) . . . . .	22, 28
<i>People v. Stewart</i> , 104 Ill. 2d 463 (1984) . . . . .	22, 28, 35
<i>People v. Manzo</i> , 2017 IL App (3d) 150264 . . . . .	31, 32, 34
<i>People v. Lenyoun</i> , 402 Ill. App. 3d 787 (1st Dist. 2010) . . . . .	<i>passim</i>
<i>People v. Rojas</i> , 2013 IL App (1st) 113780 . . . . .	<i>passim</i>
<i>People v. Burmeister</i> , 313 Ill. App. 3d 152 (2d Dist. 2000) . . . . .	25
<i>People v. Damian</i> , 299 Ill. App. 3d 489 (1st Dist. 1998) . . . . .	25
<i>People v. Hieber</i> , 258 Ill. App. 3d 144 (2d Dist. 1994) . . . . .	23
<i>United States v. Weaver</i> , 99 F. 3d (6th Cir. 1996) . . . . .	23, 26, 28
<i>Commonwealth v. Smith</i> , 57 Mass. App. Ct. 907 (2003) . . . . .	26, 27
<b>B. The good-faith exception should not apply and the evidence should be suppressed because the officers executing the search warrant could not have reasonably believed it was valid given the noticeable absence of facts upon which a determination of probable cause to search Manzo’s home could be found . . . . .</b>	<b>34</b>
725 ILCS 5/114-12(b)(2)(i) (2009) . . . . .	35, 39
<i>United States v. Leon</i> , 468 U.S. 897 (1984) . . . . .	<i>passim</i>
<i>Florida v. Jardines</i> , 569 U.S. 1 (2013) . . . . .	41
<i>New York v. Harris</i> , 495 U.S. 14 (1990) . . . . .	35, 41
<i>Illinois v. Gates</i> , 462 U.S. 213 (1983) . . . . .	38, 41
<i>Payton v. New York</i> , 445 U.S. 573 (1980) . . . . .	41
<i>Stone v. Powell</i> , 428 U.S. 465 (1976) . . . . .	40
<i>Aguilar v. State of Tex.</i> , 378 U.S. 108 (1964) . . . . .	38

<i>Mapp v. Ohio</i> , 367 U.S. 643 (1961) .....	40
<i>Silverman v. United States</i> , 365 U.S. 505 (1961) .....	41
<i>People v. LeFlore</i> , 2015 IL 116799.....	<i>passim</i>
<i>People v. McCarty</i> , 223 Ill. 2d 109 (2006) .....	41
<i>People v. Hickey</i> , 178 Ill. 2d 256 (1997).....	38
<i>People v. McCauley</i> , 163 Ill. 2d 414 (1994) .....	35, 41
<i>People v. Turnage</i> , 162 Ill. 2d 299 (1994) .....	35
<i>People v. Stewart</i> , 104 Ill. 2d 463 (1984) .....	35
<i>People v. Lenyoun</i> , 402 Ill. App. 3d 787 (1st Dist. 2010) .....	<i>passim</i>
<i>People v. Manzo</i> , 2017 IL App (3d) 150264 .....	38, 41
<i>People v. Harris</i> , 2015 IL App (1st) 132162 .....	36, 38, 39
<i>People v. Rojas</i> , 2013 IL App (1st) 113780.....	35, 39, 41
<i>People v. Crawford</i> , 2013 IL App (1st) 100310 .....	37, 40
<i>People v. Urbina</i> , 393 Ill. App. 3d 1074 (2d Dist. 2009) .....	37
<i>People v. Smith</i> , 331 Ill. App. 3d 1049 (3d Dist. 2002).....	41
<i>People v. Reed</i> , 202 Ill. App. 3d 760 (3d Dist. 1990) .....	36, 39
<i>Jones v. Wilhelm</i> , 425 F. 3d (7th Cir. 2005) .....	37

## NATURE OF THE CASE

A Will County jury convicted defendant Jorge Manzo of unlawful use of a weapon by a felon (C292-93; R975-76).<sup>1</sup> On appeal, a majority of the Illinois Appellate Court, Third Judicial District, affirmed defendant's conviction in a published opinion.<sup>2</sup> *People v. Manzo*, 2017 IL App (3d) 150264, ¶¶ 1-25. The majority held that the factual circumstances presented to the judge who issued the search warrant established a substantial basis for probable cause to believe that evidence of criminal activity would be found in defendant's residence. *Id.* at ¶ 15. The dissenting justice disagreed with the majority and found that the trial court erred in denying defendant's motion to quash the search warrant and suppress evidence because the warrant application did not establish a sufficient connection between the target's criminal activity and defendant's residence. *Id.* at ¶¶ 26-31 (O'Brien, J., dissenting).

No issue is raised challenging the charging instrument or the sufficiency of the pleadings.

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<sup>1</sup> The record contains two volumes of the common law record, one volume of an impounded common law record, five volumes of the report of proceedings, and two supplemental volumes of the report of proceedings which will be cited as C, IC, and R, respectively, followed by the page number. The record also includes four envelopes of exhibits, but exhibits will be cited by the number used at trial for ease of reference to the record.

<sup>2</sup> The original unpublished opinion was issued on August 25, 2017, but the Appellate Court allowed the State's motion to publish on October 6, 2017.

### ISSUE PRESENTED FOR REVIEW

**Whether trial court erred in finding probable cause to search Jorge Manzo's home where he was not the target of the search warrant, there was no direct evidence that criminal activity was ongoing in his home, and the totality of the circumstances established only that Ruben Casillas, the target, had driven a car which was registered to a third person using Manzo's home address, to and from a single drug transaction conducted in public, and Casillas was seen leaving the home before one other such transaction.**

### JURISDICTION

Jurisdiction lies with this Court under Supreme Court Rules 315 and 612(b).

This Court allowed the defendant's timely petition for leave to appeal on November 22, 2017. *People v. Manzo*, No. 122761 (Nov. 22, 2017).

## STATEMENT OF FACTS

This case concerns a search warrant for Jorge Manzo's home and his subsequent motion to quash search warrant and suppress evidence, which was used in a jury trial to convict him of unlawful use of a weapon by a felon (C28-35, 58-61, 292-93).<sup>3</sup>

### *Search Warrant*

The warrant application did not target Manzo, but alleged that the affiant, Joliet Police Officer Jeremy Harrison, had conducted three undercover drug purchases from a man named Ruben J. Casillas (hereinafter Casillas) in public grocery stores over a twenty-day period (C31-34). The first transaction occurred on May 20, 2009, when Harrison attested that he called 815-661-1451 and spoke to Casillas to arrange a purchase of cocaine for \$150, but did not list who the number belonged to or when he made the call (C32). Casillas directed Harrison to Gonzalez Supermarket at 652 Collins Street in Joliet (C32). At some point that day, Harrison went to the store, observed Casillas walk away from a black Ford Explorer bearing Illinois registration X942056 (C32). Harrison followed Casillas into the store, where Casillas placed a bag on a shelf and told Harrison it was "right there" (C32). Harrison gave Casillas \$150 and retrieved the bag, which weighed 3.7 grams and field-tested positive for cocaine (C32). Another officer (Simonich) observed Casillas walk back to the car and leave, but the warrant application did not state where Casillas drove (C32). Harrison checked the car registration and found it was registered to Leticia

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<sup>3</sup> The motion was titled, "Motion to Quash Arrest and Suppress Evidence," but sought to quash the search warrant and suppress the evidence seized pursuant to the warrant (C58). Defendant will use "motion to quash search warrant" when referring to the motion in this brief.

Hernandez at 701 W. Marion Street in Joliet (C32).

The second transaction occurred eight days later on May 28 when Harrison called and texted the same number to purchase \$300 of cocaine from Casillas (C33). At some unknown time, Casillas directed him to meet at Stang Kelly Liquor Store at 712 W. Jefferson Street in Joliet (C33). At some point later, Harrison met Casillas inside, where Casillas pointed to a shelf and said, "They are right there" (C33). Harrison gave \$300 to Casillas and retrieved two bags which weighed 7.9 grams and field-tested positive for cocaine (C33).

The third transaction occurred eleven days later, or nineteen days after the first transaction, on June 8, when Harrison called the same number to purchase \$150 of cocaine from Casillas (C33). At some unknown time, Casillas directed him to meet at Stang Kelly Liquors (C33). While they texted, Officers Simonich and Prochaska conducted surveillance of the Marion Street residence (C33). At some point, Casillas exited the home, after which Prochaska conducted "uninterrupted surveillance" of Casillas as he walked to the store (C33). At another point while walking, Casillas texted Harrison and directed him to meet inside Martinez Grocery Store at 704 W. Jefferson Street in Joliet (C33). Harrison met Casillas there, Casillas pointed to a shelf and said, "It's right there," and Harrison gave \$150 to Casillas and retrieved a bag which weighed 3.6 grams and field-tested positive for cocaine (C33-34).

Harrison averred that two of the transactions occurred "in the vicinity" of defendant's home (C32). Harrison also identified Casillas from his Illinois driver's license, but did not list Casillas's address (C34). Harrison asserted that, "Law enforcement records show Ruben J. Casillas as an associate of Leticia Hernandez



who resides at 701 W. Marion Street in Joliet. . .” (C34). Harrison attested that he believed probable cause existed to search Casillas, the Ford Explorer registered to Hernandez, and the residence (C34).

Three days later on June 11, the warrant application was submitted and a search warrant for Casillas, the home, and the car was issued (C29). The warrant was executed the next day (C35). During the search of 701 W. Marion Street, the police found a number of items, including a clear plastic bag containing 348 grams of cocaine and a .9-mm semiautomatic handgun (C36).<sup>4</sup>

*Motion to Quash Search Warrant*

Jorge Manzo, the owner of the home, was charged with unlawful possession of a controlled substance with intent to deliver between 100 and 400 grams of cocaine, a Class X felony, and unlawful use of a weapon by a felon, a Class 2 felony (C14-15). 720 ILCS 570/401(a)(2)(B) (2009); 720 ILCS 5/24-1.1(a) (2009).

Manzo filed a motion to quash search warrant and suppress evidence on March 9, 2010, that alleged lack of probable cause to search his home (C58-61). Specifically, defendant argued that the warrant application stated only conclusions and was not supported by any evidence of illegal activity or contraband at his home, or that Casillas sold contraband or conducted other illegal activity there (C60). The warrant application also failed to corroborate how long Casillas had been there, whether Casillas lived at Manzo’s home, or whether he was only a casual visitor (C59-60). Moreover, Harrison had “full knowledge” that Casillas did not live at the residence since the warrant application indicated that he identified Casillas from Casillas’s driver’s license, which did not list Manzo’s home address

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<sup>4</sup> The record indicated that the police did not search Hernandez’s vehicle (R131).

(C59).

Proceedings on the motion were extensive (R121-270). At the first hearing on May 6, 2011, the trial judge expressed concern that the statement, “Law enforcement records show Ruben J. Casillas as an associate of Leticia Hernandez who lives at 701 West Marion St. in Joliet. . .” had inadvertently misled the warrant judge (hereinafter magistrate) (R133-34, 138-44). Defense counsel argued that it was also possible the magistrate was misled due to the lack of information about the law enforcement records upon which the affiant relied, as well as what was meant by the word “associate” (R140-41). The trial judge opined that the statement was drafted to “indicate[] that the police check[ed] with the Secretary of State and then thereafter law enforcement records which the judge could clearly infer would be the ones from the Secretary of State show [*sic*] in a confusing fashion that Ruben Casillas lives at that address” (R142). The trial judge asked the parties to research whether the inadvertent misleading of a magistrate was germane to probable cause and if so, whether the good-faith exception would apply, and stated, “because I think it’s clear that the paragraph that I’m referring to presents a picture that is other than what the facts of this case are because it does not appear that there is any other information in here that would tie illegal activity into [*sic*] that residence” (R142-43).

At the hearing on May 13, 2011, the trial judge stated that since he had found that the magistrate was misled, the State could present case law and evidence as to whether the misleading was advertent or inadvertent (R148-49). Defense counsel asserted that the trial judge should make his ruling from the four corners of the warrant (R150). The trial judge concluded that since he found that the

magistrate had been misled, the burden shifted to the State (R151). On June 6, 2011, the State filed a motion seeking clarification of the court's order asking the parties to research whether the inadvertent misleading of a magistrate was germane to probable cause (C117-26). The motion argued that since defendant had not requested a *Franks* hearing, it was unclear whether the court found on its own that the warrant was misleading and ordered a *Franks* hearing, or if the court had instead ordered a good-faith hearing (C121-26). The motion further averred that if the trial court dispensed with the requirement that defendant must show a reckless falsehood, the court still needed to decide if the remainder of the warrant without the misleading statement established probable cause, and if so, a good-faith hearing was not required (C123).

Multiple hearings were conducted to determine the proper way to proceed. Relevant to this appeal was the hearing on July 14, 2011, wherein the trial judge held that the State would be allowed to call the affiant officer as a witness on whether the statement was an inadvertent mistake, over defense counsel's objection (R168-69). On July 26, 2011, the trial judge stated that there would be no *Franks* hearing, and reiterated that defendant had met his minimal burden to show the warrant misled the magistrate and the burden had shifted to the State (R174-78). The State indicated that both the affiant and magistrate would be called as witnesses (R178). But the State subsequently provided the court with only an affidavit from the magistrate attesting that he did not interpret the statement about Casillas and Hernandez to mean that Casillas lived at the residence, but to mean that Hernandez lived there and Casillas was her associate (C181).

On September 27, 2011, the trial judge allowed the State to submit the

affidavit in lieu of live testimony as an offer of proof (R187-89). The State asked the court to determine whether probable cause existed within the four corners of the warrant, so that the judge could determine whether a good-faith hearing was required, and the trial judge agreed to proceed in that fashion (R193).

On October 19, 2011, the court issued an order finding that defendant met his burden of showing by a preponderance of the evidence that the affidavit for the warrant was misleading and presented with a disregard for its truthfulness, and that the misleading statement was germane to the probable cause finding (C182; R1046-47). There was “no information within the four corners of the warrant itself which associates Ruben Casillas with the property searched such that the warrant was so facially deficient that the officers executing it could not reasonably have presumed it to be valid” (C182). The court ordered a hearing with the onus on the State to determine whether the affiant officer had acted intentionally, with reckless disregard, or inadvertence (C182).

On February 16, 2012, the State filed a motion for reconsideration asking the court to reverse its findings, arguing that the misleading statement was not material and the remainder of the warrant established a sufficient nexus between Casillas and the residence (C194-200). On February 21, 2012, defense counsel filed a motion to reconsider the court’s decision to hold a hearing wherein the State could present evidence (C203-05).<sup>5</sup> On April 18, 2012, the court granted the State’s motion to reconsider, finding that, “taking the misleading information from the

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<sup>5</sup> The motion was titled, “Motion to Reconsider Denial of Motion to Quash Arrest and Suppress Evidence,” but defense counsel clarified at a hearing on April 3, 2012, that the motion asked for reconsideration of the court’s ruling that a hearing would be held wherein the State could present evidence (R223).

search warrant, the remaining information allowed for a reasonable inference that there was a fair probability that evidence would be found at the particular place to be searched” (C228; R230).

Defense counsel filed a first amended motion to reconsider denial of motion to quash search warrant on June 22, 2012 (C230-49). The motion argued in part:

Common sense tells us that law enforcement did not use the vast array of investigative methods at their disposal to link Ruben Casillas’ activity with [the residence]. Common sense also tells us probable cause to search a home, or a business, or other building for that matter, is not established when a drug dealer is seen leaving that location one time.

(C233). The motion cited *People v. Lenyoun*, 402 Ill. App. 3d 787 (1st Dist. 2010), for the proposition that it would be unprecedented to accept that probable cause to search a defendant’s residence could be established by an outdoor drug sale (C234). The motion also asserted that the good-faith exception did not apply (C234). A hearing on the motion was held on October 31, 2012, wherein the trial judge clarified that his original ruling relied on the assumption that it was necessary to establish that the residence was the target’s home (R261-62). The trial judge also stated that because Casillas was seen leaving Manzo’s home before the third buy, it was reasonable to infer that there was a fair probability that drugs would be found there (R262-63).

On November 20, 2012, the trial court denied Manzo’s motion to reconsider and found that the search warrant established a reasonable likelihood that contraband would be found in Manzo’s home (C250; R269-70). The judge opined that he did not find “any case law that specifically supports the argument that the connection between the individuals involved and the place to be searched must be such that it raises to the level of a residence or something akin to that,” and

that whether the target lived at the place to be searched was not controlling (R269).

*Trial*

A eight-day jury trial was held on October 6 to 15, 2014 (R334 *et seq.*).

Harrison testified for the State (R502 *et seq.*). He executed a search warrant for the Marion Street residence on Friday, June 12, at around 8:30 a.m. (R505). At least twelve other officers were present (R505-06). Harrison observed Manzo exit the rear of the home carrying a bag of garbage to the driveway, where he was detained (R506).

Joliet Detective Brian Prochaska spoke to Manzo during the search of the home after another officer notified him that Manzo wanted to speak to an officer (R744-45). Prochaska wore a protective mask to conceal his identity as an undercover officer (R909-10). Manzo told Prochaska that he lived at his house with his girlfriend and their children and slept in the upstairs master bedroom (R744-47). Casillas was a relative who stayed with them from time to time, about one to three times a week, and slept in different spots in the house but usually slept on the couch on the first floor (R747-48). Casillas was staying with Manzo and his family because he had problems with his girlfriend who lived at a house on Benton Street, which had been “shot up” (R753).

When Prochaska asked Manzo if he had any narcotics in the house, he said there was a little marijuana in the kitchen but he was unsure if there were other narcotics in the house, and that Casillas smoked a lot of marijuana (R748-49). Manzo said his girlfriend did not have anything to do with narcotics, that she was a college student who was “straight as an arrow,” and that he did not want anyone else to get into trouble for whatever might be in the house (R749). Prochaska

did not record Manzo's statement verbatim or take any notes until six to seven hours after they spoke (R754-55).

At some point Manzo unlocked the door for the officers to search his home (R507). They found Hernandez sleeping in the upstairs master bedroom with two of her children, while her two other children slept in another bedroom (R507-08). They detained Hernandez and two of the children in a centralized location while the other two were left to sleep (R507-08). Casillas was asleep in a chair in the living room (R507).

A drug-sniffing dog alerted the police to a safe in the master bedroom closet (R508). The safe was not locked and contained a large, clear plastic bag that was on the top of other items (R509). The bag weighed 348 grams and contained white chunks that field-tested positive for cocaine (R509-13).<sup>6</sup> The police also found a black Taurus .9 millimeter handgun that was loaded with live rounds (R514-18); 15 live rounds and a box of 35 rounds (R518-20); playing cards, a small bottle of Inositol, an orange cup, a box of sandwich bags, and a digital scale (R514, 525-28); and a black leather jacket with a Superman wallet that contained \$4000 and a pink coat that contained \$5060 (R539-47). Harrison also indicated that he believed the pink coat was a women's coat and the black coat was a men's coat, but admitted that he did not really know (R560-62). Photographs of the two coats and money, the walk-in closet with the safe on the floor, and the safe and its contents were published to the jury (R530, 536-39, 545-47).

Harrison said Manzo's statement to Prochaska had factored into his decision of who to arrest during the search (R610). Harrison presumed that Manzo was

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<sup>6</sup> The street value of cocaine at that time was about \$100 a gram (R556).

connected to the safe even before he had any information as to who had the combination for it (R572-73). The police found proof of residency for Manzo in the form of a home loan statement, an Illinois driver's license, a phone bill, IRS paperwork, and a social security statement (R548-49), and proof of residency for Hernandez in the form of IRS paperwork bearing another address (R549). The police also found Casillas's birth certificate, an assessment form, W2 forms, a tax return, and unemployment insurance bearing the addresses 100 Cliff Street and 1623 Maple Road, both in Joliet (R550-52). Harrison said Casillas's documents were listed as "proof of residency" only because that was what was available from the drop down menu in the evidence log (R583). Harrison did not arrest Casillas on the day of the search, but subsequently arrested him for the three undercover drug buys detailed in the search warrant (R583-84). While he had arranged the undercover drug purchases from Casillas by phone, Harrison admitted that he did not remember whether he had researched who the phone number belonged to (R566, 568).

Harrison also admitted that the only mention of Hernandez in the warrant application was that Casillas used a car registered to her, as well as a statement that "going through law enforcement records," showed that she and Casillas were acquaintances (R629). He said the statement was significant (R608-09). He did not know that Casillas and Hernandez were related (R629). Hernandez had no connection to Casillas's drug dealing and was not arrested (R630).

The seized narcotics were tested in 2009 (R573), but forensic scientist Ken Reiser, who tested them, did not appear in court (R766). Instead, Robin Woolery testified as an expert in the chemical analysis of substances, and said that Reiser



had retired in 2010 (R760-66). As far as she knew, Reiser was still alive (R792). During a sidebar, defense counsel noted that if Woolery read the results from Reiser's report, counsel would have an ongoing objection to her testimony based on hearsay, but the judge allowed Woolery to testify (R772-73, 786). Woolery was the Illinois State Police Crime Lab director in 2010 and indirectly supervised and reviewed Reiser's work (R762, 766-67). She testified that the weight of the substance according to Reiser's analysis was 323.3 grams (R786-87). Woolery explained the three types of analyses that Reiser had performed on the substance (R787-91). In her opinion, the substance that Reiser tested contained cocaine (R790). On cross-examination, Woolery admitted that she had never seen the exhibit before trial and had not tested it, but had prepared a letter for the case one week prior to trial (R791-93).

Harrison testified that the bags containing the narcotics were not tested for fingerprints because there was an order from the Illinois State Police crime lab stating that they would not test plastic bags from drug cases (R576-79). The court took a recess (R585). During the recess, Harrison was shown a document called, "Notice Regarding Latent Print Processing of Drug Packaging" from January 10, 2001, but Harrison did not think it was the order he had referred to (R595-96; Def. Ex. 2). The notice stated that because it was difficult to handle small pieces of plastic that had low potential to yield evidence, packages smaller than 1.25 inches by 1.25 inches, as well as knots and corners, would not be processed, and the contents of any bag had to be positively identified as a controlled substance (R597, 602; Def. Ex. 2). When trial reconvened, Harrison stated that after checking with the crime lab and discovering that there was no other notice, he assumed the notice was the order he had referred to (R596-97). Harrison understood the

directive to mean that the police did not normally test drug packaging for latent prints (R613). Harrison agreed that the plastic bags at issue in this case were larger than the required size in the order and were positively identified as containing cocaine, but he still did not have them processed for fingerprints (R603).

The gun was analyzed for fingerprints (R667-70; St. Exs. 2A and 2B). Only one print from one of the live cartridges was suitable for comparison (R671-74). Tests revealed that defendant had made the impression (R649-53, 659, 688, 691-92, 696-719; St. Ex. 22-A). The parties also stipulated that forensic scientist Dustin Johnson would testify that the gun was operational, and that defendant previously had been convicted of a felony (R817-19).

Ruben Casillas testified for the defense (R824 *et seq.*). He was Hernandez's cousin (R825). Around the time of the search, Casillas was living with his girlfriend "on the dead-end" of Benton Street, but he started to stay at Manzo's home due to problems with his girlfriend and because there had been a shooting and gang activity near that house (R825-26). Before the search, Casillas had stayed at Manzo's home a handful of times over a two-week period and slept on the couch downstairs (R841-42).

Casillas was currently working as a union roofer, but at the time of the search he was dealing narcotics (R826). He was supplied with narcotics by a "friend of a friend" whom he usually met at grocery stores (R843-44). He was storing narcotics at Manzo's house but did not access them to deal; instead, he went to other locations to get the drugs that he sold (R844-45). The safe that the police found belonged to Casillas and he was the only one who had the combination (R829). The money, drugs, sale items, gun, and ammunition found inside the safe also

were his (R830-35). Casillas snuck the safe into the closet of the master bedroom because he thought it was the last place defendant and Hernandez would look (R831). He tried to keep it locked as much as possible but did not lock it every time (R831). To his knowledge, Manzo did not ever go into Casillas's safe or know that the other items were there (R831-35). Casillas stored money in the coats because it was summer and he thought they would not be used (R845-46).

During the search of the residence, the police informed Casillas that the warrant had targeted him, but he lied and said he was not aware of anything in the home (R828). Casillas had been convicted of unlawful possession of cocaine in 2008 (R826-27). He was subsequently charged with the three deliveries that were the subject of the warrant, and Casillas pled guilty to one of the counts and served time in prison (R827-28, 837). Casillas admitted that he knew Manzo had been charged in relation to the items found in the safe but he still did not tell the police that they belonged to him (R838-39). Casillas was in prison between 2010 and 2013 and did not talk to anyone (R838, 841). He had not met with defense counsel before trial and had not discussed whether he could still be charged in the case (R839-40). Casillas was testifying at trial because he thought it was wrong for him to blame someone else for what was his (R840).

While at his previous house, Casillas told Manzo that he had a gun because of the problems there (R835, 837). He recalled a time Manzo was at that house playing a video game called Call of Duty, and he showed the gun to Manzo (R836). Casillas said he was "kind of playing around" and threw the gun in Manzo's lap, and Manzo became upset (R836). Manzo took the clip out to see if the gun was loaded (R836). It was the only time Manzo had seen the gun (R836-37).

Leticia Hernandez testified that since the search, she and Manzo had married and now had five boys between the ages of three and eleven years old (R849). Both of the coats that the police found were hers, and she tried on the black coat for the jury (R849-50). But she did not know that there was any money in the coats (R850). Hernandez had no knowledge of her husband being involved in any drug activity (R851). She admitted that Manzo sometimes smoked marijuana but did not do so around the children (R851).

Casillas was Hernandez's cousin who came to stay with her family a few days before the search, and was going to stay there until he spoke to his parents (R853, 855). Casillas brought a black safe, a sweater, and a folder with him (R853). He told her the safe contained his "important stuff" and that it was locked, and he put it in her closet on the floor (R853-57). She did not give it much thought since Casillas was supposed to stay for only a few days (R857). Hernandez did not tell Manzo the safe was in the closet, and had no idea there was a gun or cocaine in the residence (R849, 854).

Manzo testified on his behalf (R859 *et seq.*). He had owned the Marion Street home since July 2005, but he and his family had since moved out (R860-61). He was a stay-at-home dad, but was also a member of the painter's union and worked when it was available (R860). Casillas was his wife's cousin and his friend (R861). At the beginning of the week of the search, he and Casillas were playing Call of Duty at Casillas's house on Benton, when Casillas threw his gun at Manzo (R861-62, 869). Manzo grabbed it and took the clip out to see if it was loaded because he did not want the gun to go off on him (R862). He then gave it back to Casillas (R862). It was the only time Manzo ever had contact with the gun (R862).

When Casillas was staying with them, Manzo had no idea Casillas brought

the gun with him to the house, or that he had cocaine (R862-83). Manzo had never handled Casillas's safe and did not know the combination (R864). He was not aware that the coats contained a large amount of money (R863). The black coat was not his and he tried it on for the jury (R864-65). Manzo had not been involved in drug dealing with Casillas in any way (R863).

During the search, Manzo spoke to an officer wearing a mask for a few seconds (R865). He was questioned very quickly—an officer would ask him a question, leave, and come back, and he did not know whether it was the same officer or different officers talking to him (R866). He did not remember telling the police that Casillas got high all the time (R866-67). When Manzo told the police that he did not want anyone to get into trouble for what they found, he was referring to the small amount of marijuana that he kept in the windowsill and that he smoked from time to time (R863). But the police did not confiscate the marijuana (R864).

The jury found Manzo guilty of unlawful possession of a weapon by a felon, but acquitted him of unlawful possession of a controlled substance with intent to deliver (C292-93; R975-77).<sup>7</sup> Defendant filed a motion notwithstanding the verdict or in the alternative, a new trial, and the court denied the motion (C347-52; R1008).

A sentencing hearing was held on March 23, 2015 (R997 *et seq.*). Manzo presented fourteen letters of support and evidence that he took care of his children full-time, two of which had special needs (IC102-16; R1000-01). On April 21, 2015, defendant was sentenced to 36 months of intensive probation (C357; R1021).

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<sup>7</sup> The report of proceedings stated that the jury found the defendant guilty of possession of a controlled substance, but the judge later announced that the defendant was acquitted of that charge (R977), and the common law record indicated that the jury signed the “not guilty” jury instruction form (C292; R975).

### *Appeal*

In a published decision, a divided panel of the Appellate Court affirmed Manzo’s conviction.<sup>8</sup> *People v. Manzo*, 2017 IL App (3d) 150264, ¶¶ 1-25. Manzo had asserted that the warrant application failed to establish probable cause to search his home. *Id.* at ¶ 15. Defendant also argued that the instant case was analogous to *People v. Lenyoun*, 402 Ill. App. 3d 787 (1st Dist. 2010). *Id.* at ¶ 19. The majority rejected this argument and found that “the nexus absent in *Lenyoun* [was] present in the instant case” because Casillas conducted three undercover purchases, left Manzo’s home without making other stops before one of the transactions, and used a car registered at that address to conduct another transaction. *Id.* at ¶¶ 19-22. Justice O’Brien, writing in dissent, opined that *Lenyoun* supported a finding that the complaint for the warrant failed to establish probable cause to search Manzo’s residence. *Id.* at ¶¶ 26-31 (O’Brien, J., dissenting). Justice O’Brien stated that, “[a]t best, the complaint established that Casillas was an acquaintance of the owners of the residence.” *Id.* at ¶ 28.

This Honorable Court allowed the defendant’s Petition for Leave to Appeal on November 22, 2017 (See Appendix).

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<sup>8</sup> The Appellate Court granted the State’s motion to publish on October 6, 2017.

## ARGUMENT

**The trial court erred in finding probable cause to search Jorge Manzo's home where he was not the target of the search warrant, there was no direct evidence that criminal activity was ongoing in his home, and the totality of the circumstances established only that Ruben Casillas, the target, had driven a car which was registered to a third person using Manzo's home address, to and from a single drug transaction conducted in public, and Casillas was seen leaving the home before one other such transaction.**

### Standard of Review

A trial court's ruling on a motion to suppress presents both questions of law and fact, and generally, the lower court's findings of historical fact will be upheld unless they are against the manifest weight of the evidence. *People v. McCarty*, 223 Ill. 2d 109, 148 (2006). But this Court will not defer to a warrant based on an affidavit that does not provide a substantial basis for probable cause. *People v. Sutherland*, 223 Ill. 2d 187, 219 (2006); *People v. Rojas*, 2013 IL App (1st) 113780, ¶ 16 (citing *United States v. Leon*, 468 U.S. 897, 914 (1984)). The legal determination of whether evidence should have been suppressed is ultimately reviewed *de novo*. *McCarty*, 223 Ill. 2d at 148.

### Argument

Jorge Manzo was charged with unlawful possession of a weapon by a felon and unlawful possession of a controlled substance with intent to deliver between 100 and 400 grams of cocaine, based on evidence seized pursuant to a search warrant targeting the criminal activity of Ruben Casillas (C14-15, 31-34). The warrant application alleged that Casillas had been party to three undercover drug transactions conducted in public grocery stores (C31-34). Casillas was seen driving to and from one transaction in a car registered to Leticia Hernandez at Manzo's home (C32). Casillas also was seen leaving Manzo's home after an unspecified

length of time before one other such transaction (C33).

Because there was no other connection listed in the warrant between Casillas and Manzo's home, defendant filed a motion to quash search warrant and suppress evidence (C58-61). After lengthy proceedings and multiple filings, the trial court found that there was a sufficient connection between Manzo's home and Casillas's criminal activity, but did not state how Manzo's home was connected to Casillas's drug dealing (C250; R269-70). Following a seven-day jury trial, Manzo was convicted of unlawful possession of a weapon but acquitted of unlawful possession of a controlled substance (C292-93; R975-77).

The appellate court affirmed Manzo's conviction and found that the magistrate had a substantial basis to find probable cause to search his home. *People v. Manzo*, 2017 IL App (3d) 150264, ¶¶ 15-22. The majority opinion found a sufficient connection between Manzo's home and Casillas's criminal activity based on Casillas conducting three undercover purchases, leaving the home without making other stops before one of the transactions, and using a car registered to another person under Manzo's home address when he conducted another transaction. *Id.* But the appellate court also did not state how Manzo's home was connected to Casillas's drug dealing. The dissenting justice disagreed and found that the facts in the warrant application did not establish a sufficient connection between Casillas's criminal activity and Manzo's home, reasoning that at best, the warrant established only that Casillas was an acquaintance of the owners. *Id.* at ¶¶ 26-31 (O'Brien, J., dissenting).

The dissenting justice was correct. There was no probable cause to search Manzo's home because the totality of the circumstances did not establish a fair probability that evidence of Casillas's drug dealing that he conducted in public



would be found in Manzo's home. Moreover, because a reasonably well-trained officer would have known that the search was illegal in light of all of the circumstances, the good-faith exception should not apply. This Honorable Court should therefore reverse the trial court's ruling and suppress the evidence. Given that the motion should have been granted, and the State cannot proceed without the evidence obtained during the unconstitutional search of Manzo's home, this Court should reverse Manzo's conviction for unlawful possession of a weapon by a felon.

**A. The totality of the circumstances did not establish a substantial basis for the magistrate to find a fair probability that evidence of Casillas's criminal activity would be found in Manzo's home.**

The totality of the circumstances in Officer Harrison's warrant application did not establish probable cause to search Manzo's home. Defendant relies on the bedrock principles established by the Fourth Amendment to the United States Constitution which provides, in relevant part, that "no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." U.S. Const., amend. IV. Similarly, the Illinois Constitution states, "No warrant shall issue without probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized." Ill. Const. 1970, art. I, § 6. Moreover, in Fourth Amendment jurisprudence, the sanctity of the home is afforded the highest protection. *See Florida v. Jardines*, 569 U.S. 1, 6 (2013) ("But when it comes to the Fourth Amendment, the home is first among equals."); *see also Payton v. New York*, 445 U.S. 573, 585 (1980) ("...physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed." (quoting *United States v. United States Dist. Ct. for the E.D.*, 407 U.S. 297, 313 (1972))); *Silverman*

*v. United States*, 365 U.S. 505, 511 (1961) (“The Fourth Amendment, and the personal rights which it secures, have a long history. At the very core stands the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion (citations omitted).”).

In order to find probable cause in a warrant that seeks to search places protected by the U.S. and Illinois constitutions, a magistrate must determine whether a substantial basis for probable cause exists in the warrant application. *Illinois v. Gates*, 462 U.S. 213, 239 (1983); *People v. McCarty*, 223 Ill. 2d 109, 153 (2006). The magistrate does so by making “a practical, commonsense decision whether, given all the circumstances set forth in the affidavit before him, . . . there is a fair probability that contraband or evidence of a crime will be found in a particular place.” *People v. Hickey*, 178 Ill. 2d 256, 285 (1997) (quoting *Gates*, 462 U.S. at 238-39). The totality of the facts and circumstances before the magistrate must be sufficient to warrant a person of reasonable caution to believe that an offense has occurred and that evidence of it is at the place to be searched. *People v. Stewart*, 104 Ill. 2d 463, 476 (1984). This determination is made on a case-by-case basis. *People v. Thompkins*, 121 Ill. 2d 401, 435 (1988).

Whether probable cause existed to search Manzo’s home therefore depends on whether the magistrate made reasonable inferences from the alleged facts in the warrant application, or a “practical, common sense decision” that criminal activity was ongoing in Manzo’s home. *Hickey*, 178 Ill. 2d at 285; *People v. Lenyoun*, 402 Ill. App. 3d 787, 797 (1st Dist. 2010). Here, there was no direct evidence that criminal activity was ongoing in Manzo’s home—there were no observations of Casillas dealing drugs from the home and Manzo was not the target of the search (C31-34).

In the absence of direct information, the warrant application must establish a “nexus” or a connection “between the criminal offense, the items to be seized, and the place to be searched.” *People v. Rojas*, 2013 IL App (1st) 113780, ¶ 15. Only *reasonable* inferences from the circumstances can be drawn to establish the connection. *Id.* (emphasis added). The magistrate therefore cannot merely ratify a “bare bones affidavit,” or one that articulates only “the bare conclusions of others.” *United States v. Leon*, 468 U.S. 897, 915 (1984); *People v. Hieber*, 258 Ill. App. 3d 144, 149 (2d Dist. 1994). Such an affidavit states only suspicions, beliefs, or conclusions. *Aguilar v. State of Tex.*, 378 U.S. 108, 114 (1964), *abrogated by Illinois v. Gates*, 462 U.S. 213 (1983); *see also United States v. Weaver*, 99 F. 3d 1372, 1378 (6th Cir. 1996) (A “bare-bones” affidavit is one which “states suspicions, beliefs, or conclusions, without providing some underlying factual circumstances regarding veracity, reliability, and basis of knowledge.” (citing *Aguilar*, 378 U.S. at 114)). A magistrate cannot therefore “add[ ] layers of conjecture upon conjecture” in determining whether probable cause exists, as the affiant must supply sufficient facts on which the magistrate makes reasonable inferences. *Rojas*, 2013 IL App (1st) 113780, ¶ 20.

The magistrate’s determination that there was a sufficient connection between Casillas’s drug dealing and Manzo’s home was based on unreasonable inferences because common sense requires more detail than what was present in the warrant application before a private residence can be searched, where the warrant application does not at all indicate that the target lived there. *Rojas*, 2013 IL App (1st) 113780, ¶ 15; *Weaver*, 99 F. 3d at 1378. Specifically, the warrant application alleged that Casillas had conducted three drug transactions with an undercover police officer in public (C32-33). Harrison, the affiant officer, spoke to Casillas at 815-661-1451

to set up the first transaction but did not state to whom the number belonged (C32). Thereafter Casillas was seen driving a black Ford Explorer bearing Illinois registration X942056, which Harrison later determined was registered to Leticia Hernandez using the address of Manzo's home, to and from a grocery store where Casillas transacted 3.7 grams of cocaine for \$150 with Harrison (C32). Notably, the warrant did not state where Casillas was before or after the drug transaction, whether Casillas or the car was ever seen at Manzo's home, or whether anyone else was with Casillas in the car. The second drug transaction was conducted in public again, eight days later (C33). Harrison alleged that he called and texted the same number "in reference to purchasing cocaine" from Casillas (C33). Casillas transacted 7.9 grams of cocaine for \$300 in another grocery store (C33). There was no information as to where Casillas came from or went to after the transaction. There was no connection between this transaction and Manzo's home.

The only time that Casillas was seen at Manzo's home was before the third drug transaction conducted in public, nineteen days after the first transaction (C33). Harrison called and texted the same number "in reference to purchasing cocaine" from Casillas (C33). The warrant application further stated that two other officers conducted surveillance of Manzo's home while Harrison arranged a drug transaction at the same store as the previous transaction, but did not state how long they had been conducting surveillance of Manzo's home, let alone when they even began (C33). The officers then observed Casillas leave Manzo's home and walk to the store, during which they conducted "uninterrupted surveillance" of him, but the warrant application did not state much time had passed between the point at which Casillas set up the transaction and when he left (C33). During that walk, Casillas directed Harrison to another store, but the warrant does not

state whether Casillas made any other stops along the way (C33). Casillas then transacted 3.6 grams of cocaine for \$150 with Harrison (C33-34). The warrant application also did not state where Casillas went after the third transaction.

There was otherwise a conclusory statement that two of the transactions occurred in “the vicinity” of Manzo’s home, which did not state the distance between the stores and the home (C32). There was also a vague, conclusory statement that, “Law enforcement records show Ruben J. Casillas as an associate of Leticia Hernandez who resides at 701 W. Marion Street in Joliet. . .” (hereinafter “associates paragraph”) (C34). But there was no information about the nature of the association or the law enforcement records on which Harrison relied to make that statement. The only reasonable inference was that the paragraph reiterated that Casillas and Hernandez knew each other since Casillas drove her car one time and visited the place where the car was registered one time, which was likely where Hernandez lived (C34). Harrison attested that he had identified Casillas from Casillas’s driver’s license, but did not state the address listed on the license (C34). It was reasonable to infer only that the license did not list 701 W. Marion St. and that Casillas did not live at Manzo’s home.

The noticeable absence of facts connecting Casillas’s criminal activity to Manzo’s home contrasts with the specificity of Casillas’s alleged criminal activity. Thus, the absence of those facts is relevant to the magistrate’s probable cause determination. *See, e.g., People v. Burmeister*, 313 Ill. App. 3d 152, 157–58 (2d Dist. 2000) (finding lack of detail in conclusory statement that anonymous sources “disclosed that defendants’ house was linked to cocaine trafficking” relevant to court’s determination that warrant lacked probable cause); *see also People v. Damian*, 299 Ill. App. 3d 489, 493–94 (1st Dist. 1998) (finding lack of specificity in where

defendant possessed narcotics relevant to court's determination that warrant lacked probable cause). Thus, the warrant application here was bare bones as to whether evidence of Casillas's drug dealing could be found at Manzo's home because the only connection between Casillas and the home was that he was seen driving a car registered there during a transaction and had been visiting the home once before one other drug transaction. *Leon*, 468 U.S. at 915; *Aguilar*, 378 U.S. at 114; *Rojas*, 2013 IL App (1st) 113780, ¶ 15; *Weaver*, 99 F.3d at 1378.

Illinois courts have declined to find probable cause to search a drug dealer's home after he conducted drug activity in public where there was no evidence that criminal activity was ongoing in his home. *Lenyoun*, 402 Ill. App. 3d at 793-801 (finding no probable cause where complaint contained sufficient detail as to criminal activity but did not establish a sufficient connection to defendant's home where police knew that he lived there and he was seen leaving home before driving to two suspected transactions and one confirmed drug transaction conducted in public); *see also Rojas*, 2013 IL App (1st) 113780, ¶¶ 17-20 (finding no probable cause where complaint contained sufficient detail as to criminal activity and multiple places to be searched, but did not establish a sufficient connection to defendant's family home where indirect evidence demonstrated only that defendant spoke to a drug trafficker on the phone and told him to meet close to home). This Court may also find guidance from the Appeals Court of Massachusetts in *Commonwealth v. Smith*, 57 Mass. App. Ct. 907 (2003), which dealt with similar factual circumstances. In that case, the warrant application alleged that Smith conducted three undercover drug buys at locations outside of his home. *Smith*, 57 Mass. App. Ct. at 907. After one buy, he was observed driving his car *to* his home, and before a subsequent buy, he was seen driving *from* his home directly to the buy. *Id.* at 907-08. The

court found that Smith's simply driving to and from his home, without more, did not establish a connection between his home and his drug activity. *Id.* at 908. The court found significant the absence of information establishing that there were illegal drugs in Smith's home or drug transactions conducted there. *Id.*

Here, there was no indication that Casillas lived at Manzo's home, so there is even less of a connection between his criminal activity and the home (C31-34). Therefore, a person's simple presence in a home for an undetermined amount of time before conducting a drug transaction in public does not establish a fair probability that criminal activity was ongoing in the home, even if that same person drove a car which was registered to someone else using the home's address, to and from another transaction nineteen days earlier. *Rojas*, 2013 IL App (1st) 113780, ¶¶ 17-20; *Lenyoun*, 402 Ill. App. 3d at 793-801. As such, while the circumstances of these drug transactions established probable cause to search Casillas, they did not establish probable cause to search Manzo's home. *Gates*, 462 U.S. at 239; *McCarty*, 223 Ill. 2d at 153; *Hickey*, 178 Ill. 2d at 285.

To conclude otherwise required the magistrate to make unreasonable inferences. The magistrate had to infer that Casillas lived at Manzo's home or was being permitted to use the home for his criminal activity, which was unreasonable because any such information to support those conclusions was lacking in the warrant application (C31-34). The magistrate otherwise had to infer that Casillas was at Manzo's more than once, which also was unreasonable since there is a total lack of information establishing that fact. And as argued above, little is known as to the details of Casillas's single visit to Manzo's home, since the warrant application did not indicate when Casillas arrived or how long he was there before going to meet Harrison. While Harrison alleged that he sent a series of texts with

Casillas to set up the drug transaction, nothing in the warrant indicated that this took any more than a few minutes (C33). Casillas transacted 3.6 grams of cocaine for \$150 with Harrison, an amount that could easily have been on his person before he entered Manzo's home (C33). The magistrate may also have inferred that Hernandez was involved in Casillas's criminal activity in some way, but there was no basis in the warrant application to infer that she was in any way involved. All of these inferences were unreasonable as they would have required the court to "add[ ] layers of conjecture upon conjecture," which is not proper. *Rojas*, 2013 IL App (1st) 113780, ¶ 20. Such inferences are merely suspicions, beliefs, or conclusions which merited more police investigation. *Aguilar* 378 U.S. at 114.

Therefore, a practical, common sense assessment of the totality of the circumstances indicates that it was unreasonable for the magistrate to conclude that there was a sufficient connection between Casillas's drug dealing and Manzo's home because there was not a fair probability that evidence of Casillas's drug dealing would be found there. *Gates*, 462 U.S. at 239; *McCarty*, 223 Ill. 2d at 153; *Hickey*, 178 Ill. 2d at 285; *Thompkins*, 121 Ill. 2d at 435; *Stewart*, 104 Ill. 2d at 476; *Rojas*, 2013 IL App (1st) 113780, ¶¶ 17-20; *Lenyoun*, 402 Ill. App. at 793-801.

*Trial Court's Decision*

While the probable cause analysis here is straightforward, the proceedings on defendant's motion to quash search warrant and suppress evidence were prolonged and rather convoluted. This was largely due to the trial court's attempt to construe an affidavit that easily provided probable cause of Casillas's criminal activity, but was bare bones as to Manzo's home. *Leon*, 468 U.S. at 915; *Aguilar*, 378 U.S. at 114; *Weaver*, 99 F. 3d at 1378. The trial court did not make specific findings of fact in its final order denying defendant's motion, but merely concluded



that the search warrant established a reasonable likelihood that contraband would be found in the residence (C250; R269-70). However, the trial court's previous findings of fact on defendant's motion and the related filings submitted by both parties contradicted this holding.

Much of the proceedings were dedicated to arguing about the trial judge's interpretation of the "associates paragraph" (C34). Initially, the trial judge found that this paragraph had inadvertently misled the magistrate by purporting to state more of a connection between Casillas and Manzo's home than the police had established, "because it did not appear there [was] any other information in [the warrant application] that would tie illegal activity into that residence" (R142-43). The trial judge opined that the statement was drafted to "indicate[] that the police check[ed] with the Secretary of State and then thereafter law enforcement records which the judge could clearly infer would be the ones from the Secretary of State show [sic] in a confusing fashion that Ruben Casillas lives at that address" (R142). In other words, the inherent ambiguity the trial judge found in the "associates paragraph" was that a reader could take the text to mean either: (1) that the records law enforcement consulted showed that Casillas lived at defendant's home; or (2) that the records showed Casillas was an associate of Hernandez, who lived at defendant's home.

After the State made an offer of proof of the magistrate's affidavit attesting that he had not been misled to think that Casillas lived at Manzo's home, the trial judge specifically found that there was "no information within the four corners of the warrant itself which associates Ruben Casillas with the property searched such that the warrant was so facially deficient that the officers executing it could not reasonably have presumed it to be valid" (C182).

But the trial court thereafter granted the State's motion for reconsideration and found that, "taking the misleading information from the search warrant, the remaining information allowed for a reasonable inference that there was a fair probability that evidence would be found at the particular place to be searched" (C194-200, 228). Defendant's ensuing motion to reconsider argued in part that,

Common sense tells us that law enforcement did not use the vast array of investigative methods at their disposal to link Ruben Casillas' activity with [defendant's home]. Common sense also tells us probable cause to search a home, or a business, or other building for that matter, is not established when a drug dealer is seen leaving that location one time.

(C230-49). Nonetheless, the trial court denied defendant's motion to reconsider and held only that the search warrant was supported by a reasonable likelihood that contraband would be found in Manzo's home, stating that whether Casillas lived there was not controlling (C250; R261-62, 269-70). The trial judge articulated that his previous conclusion was based on the mistaken belief that as the target, Casillas had to live at the residence to be searched (R261-62, 269). The judge also stated that because Casillas was seen leaving Manzo's home before the third buy, it was reasonable to infer that there was a fair probability that drugs would be found there, but did not explain how that fact, or the remainder of the warrant application, established probable cause (R262-63). Thus, the trial court's ruling did not identify the indicia of probable cause, or how the circumstances connected Casillas's criminal activity to Manzo's home.

If the trial judge's initial finding was predicated on the assumption that Casillas lived at Manzo's home, it follows that the trial judge should have found that there was no probable cause to search the home because the remainder of the warrant application did not establish a sufficient connection between Casillas's

criminal activity and Manzo's home. While the issue of whether Casillas lived at the place to be searched was not controlling, it *was* relevant to the probable cause determination. This Court, therefore, should not defer to the trial court since the warrant application did not provide a substantial basis for probable cause. *Rojas*, 2013 IL App (1st) 13780, ¶ 16; *Sutherland*, 223 Ill. 2d at 219; *McCarty*, 223 Ill. 2d at 148, 153.

*Appellate Court's Decision*

On appeal, defendant asserted that the trial court erred in denying his motion because the totality of the circumstances did not establish the necessary nexus between Casillas's criminal activity and Manzo's home and thus failed to establish probable cause to search his home. *People v. Manzo*, 2017 IL App (3d) 150264, ¶ 15. Justice Carter, writing for the majority, affirmed defendant's conviction and found that the allegations in the warrant application established a substantial basis for probable cause to believe that evidence of Casillas's criminal activity would be found in Manzo's home. *Id.* at ¶¶ 15-25. The court's conclusion was based on Casillas conducting three undercover purchases, leaving Manzo's home without making other stops before one of the transactions, and using a car registered at that address to conduct another transaction. *Id.* at ¶ 22.

The court also reasoned that while the warrant application did not establish that Casillas lived at Manzo's home, such information was not "necessary" in order to demonstrate a fair probability that evidence of Casillas's drug dealing would be found there. *Id.* at ¶ 18. But the court did not otherwise indicate *why* it was reasonable to infer that criminal activity was ongoing in someone else's home where Casillas was seen only once. In other words, the court did not state *why* a substantial basis to search a home exists if the target uses a car registered to

another's home to conduct a drug transaction and was present at the home, for an unknown period of time, before another transaction, even if the target does not live there. The appellate court otherwise distinguished the case from *People v. Lenyoun*, 402 Ill. App. 3d 787 (1st Dist. 2010), based on the number of transactions. *Id.* at ¶ 22.

Conversely, Justice O'Brien, writing in dissent, agreed with defendant that there was an insufficient connection between Casillas's criminal activity and Manzo's home. *Id.* at ¶¶ 26-31 (O'Brien, J., dissenting). Justice O'Brien's conclusion was based on the fact that Casillas did not live there since his driver's license did not list the address of Manzo's home, the police observed Casillas leaving the residence only once before a drug transaction conducted in public, and Casillas was seen leaving a vehicle registered to another person using that address before another transaction. *Id.* at ¶ 31. Moreover, there was no information about how often Casillas drove the car, how long he may have stayed at Manzo's home, "if at all," or whether the person who owned the car had any connection to the criminal activity. *Id.* Therefore, "[a]t best, the complaint established that Casillas was an acquaintance of the owners of the residence." *Id.* at ¶ 28. As a result, Justice O'Brien concluded that the affidavit was "bare bones" and did not establish a connection between Casillas's criminal activity and Manzo's home. *Id.* at ¶ 31.

Justice O'Brien also agreed that *Lenyoun* supports a finding that probable cause was lacking in the instant case because that warrant application contained *even more* information connecting that defendant to the residence in question, but it failed to establish probable cause to search defendant's residence. *Id.* at ¶¶ 29-31. Since *Lenyoun* was the subject of the proceedings below and considered on appeal, defendant recounts the details of the case here.

In that case, the police observed the defendant in *Lenyoun* leave an apartment building three times, meet an individual on the street, and appear to exchange an item for U.S. currency. *Lenyoun*, 402 Ill. App. 3d at 788-89. One of the individuals was detained and had cocaine on his person. *Id.* at 788. He told police that he purchased the cocaine from Lenyoun by calling a number, and he identified Lenyoun from a photo array. *Id.* Police obtained a search warrant for Lenyoun and his car, and seized \$352 from Lenyoun's person, a list with the word "dope" on it, and four business cards, one of which had the number the individual gave them written on it. *Id.* at 788-89. The phone number was not connected to the residence, but Lenyoun's driver's license listed the apartment and he denied living there. *Id.* at 789. A drug-sniffing dog also alerted to the interior of the car. *Id.* The police obtained a search warrant for Lenyoun's apartment based on the information in the previous warrant and details of what was seized from the search of Lenyoun and his car. *Id.*

The trial court found that the warrant was "constitutionally deficient," and the appellate court affirmed its decision. *Id.* at 789-90, 796. The appellate court reasoned that the drug transaction, during which Lenyoun sold cocaine to the individual and which was similar to the other encounters Lenyoun had in public, provided probable cause to search Lenyoun and his car. *Id.* at 794. However, the drug transaction with the individual did not provide probable cause to search Lenyoun's home, because "[t]o accept a single drug sale conducted from a car by a defendant as probable cause for the search of the defendant's residence would nullify the rule of law that disavows 'bare-bones' affidavits to support the issuance of a search warrant." *Id.* at 795. The appellate court held that the magistrate erred in issuing the warrant. *Id.* at 800-01.

The request for a warrant here included *less* information connecting Casillas's criminal activity to Manzo's home. In *Lenyoun*, the warrant stated that Lenyoun's driver's license listed the residence to be searched, and the police observed Lenyoun leave that residence before conducting three suspected drug transactions in public, one of which was confirmed as a cocaine transaction. *Lenyoun*, 402 Ill. App. 3d at 788-89. But the court nonetheless found the warrant to be "bare bones" in relation to Lenyoun's residence because it did not contain any information about criminal activity conducted there. *Id.* at 795-96. Here, Casillas did not live at Manzo's home, and he conducted three drug transactions in public, one of which he went to and from in Hernandez's car (C32-33). But he did not conduct any drug transactions from Manzo's home, nor did the warrant application state that Casillas had obtained narcotics from the home (C32-33). While Casillas visited the home before the third transaction, as Justice O'Brien opined in her dissent, without more information, it was reasonable to infer only that Casillas was an acquaintance of the home owners. *Manzo*, 2017 IL App (3d) 150264, ¶ 28 (O'Brien, J., dissenting). Justice O'Brien was therefore correct in concluding that, as in *Lenyoun*, it was unreasonable for the magistrate to infer that a substantial basis existed to search Manzo's home where the warrant application did not include a sufficient connection between Casillas's drug activity in public and the home. *Manzo*, 2017 IL App (3d) 150264, ¶¶ 26-31 (O'Brien, J., dissenting); *Lenyoun*, 402 Ill. App. 3d at 800-01.

**B. The good-faith exception should not apply and the evidence should be suppressed because the officers executing the search warrant could not have reasonably believed it was valid given the noticeable absence of facts upon which a determination of probable cause to search Manzo's home could be found.**

Where police obtain evidence by violating a defendant's constitutional rights, the evidence should be suppressed under the "fruit of the poisonous tree" doctrine.

*New York v. Harris*, 495 U.S. 14, 18–19 (1990); *People v. McCauley*, 163 Ill. 2d 414, 448 (1994). However, such a violation can sometimes be cured by the good-faith exception, under which the unlawfully obtained evidence is admissible if the officers executing the warrant could have reasonably believed it was valid. *Leon*, 468 U.S. at 922; 725 ILCS 5/114-12(b)(2)(i) (2009); *Stewart*, 104 Ill. 2d at 477. Where defendant has proven a violation of his Fourth Amendment rights, the burden shifts to the State to prove that the good-faith exception applies. *Leon*, 468 U.S. at 924; *People v. Turnage*, 162 Ill. 2d 299, 313 (1994). Whether the exception applies is reviewed *de novo*. *Turnage*, 162 Ill. 2d at 305.

*The Officers Could Not Reasonably Rely on the Warrant.*

The State cannot meet its burden here. The exception does not apply in four situations, one of which occurs “where the affidavit was so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable.” *Rojas*, 2013 IL App (1st) 113780, ¶ 21 (citing *Leon*, 468 U.S. at 922–23). In this situation, a reviewing court considers whether “a reasonably well trained officer would have known that the search was illegal in light of all of the circumstances.” *People v. LeFlore*, 2015 IL 116799, ¶ 25 (quoting *Leon*, 468 U.S. at 922 n. 23). Courts assess the objective reasonableness of the officer who executed the warrant, as well as the officer who “obtained it or provided the information material to the probable cause determination.” *Leon*, 468 U.S. at 923, n. 24; *Turnage*, 162 Ill. 2d at 309. As argued above, the warrant application was bare bones as to the facts supporting probable cause for a search of Manzo’s home. *See* discussion *supra* Part A. Where the affidavit is bare bones as to the place to be searched, an officer’s reliance on the magistrate’s determination of probable cause is objectively unreasonable because “the search warrant [is] so facially overbroad that [the officers]

could not reasonably believe that it was valid.” *People v. Reed*, 202 Ill. App. 3d 760, 764 (3d Dist. 1990). Thus, the officers’ reliance here was objectively unreasonable. *Id.* The State therefore cannot meet its burden to show that the good-faith exception should apply.

Again, *Lenyoun* is instructive. In *Lenyoun*, the court did not apply the good-faith exception where the officer executing the search warrant could not have held an objectively reasonable belief in the existence of probable cause. *Lenyoun*, 402 Ill. App. 3d at 800-801. The court reasoned that the probable cause and good-faith exception inquiries were intertwined; as such, if the executing officer “could not harbor a reasonable belief in the existence of probable cause, then the complaint for a search warrant could not have provided the issuing judge with a ‘substantial basis for determining the existence of probable cause.’” *Id.* at 792-93 (quoting *Leon*, 468 U.S. at 915). The court emphasized that the affiant officer who obtained the warrant, based on a bare bones affidavit, also participated in the search of *Lenyoun*’s home. *Id.* at 796. As such, he could not “rely on colleagues who [were] ignorant of the circumstances under which the warrant was obtained to conduct the search.” *Id.* (citing *Leon*, 468 U.S. at 923, n.24). Excluding the evidence, then, had “real application” in deterring police misconduct since the affiant both procured and executed the warrant with other officers. *Id.* at 799.

Here, as in *Lenyoun*, Harrison both secured the affidavit and participated in executing the search of Manzo’s home (C28-34; R505-06). *Lenyoun*, 402 Ill. App. 3d at 799. Harrison could not harbor “an official belief” that there was probable cause given the noticeable absence of facts upon which a determination of probable cause to search Manzo’s home could be found. *Rojas*, 2013 IL App (1st) 113780, ¶ 21 (citing *Leon*, 468 U.S. at 922–23); *see also People v. Harris*, 2015 IL App (1st)



132162, ¶ 43 (citing *People v. Urbina*, 393 Ill. App. 3d 1074, 1079 (2d Dist. 2009) and *Jones v. Wilhelm*, 425 F. 3d 455, 463 (7th Cir. 2005)) (officer could not reasonably believe probable cause existed to search where affiant officer “personally participated” in warrant application and was “aware of the ambiguity reflected on the face of the warrant, which broadly authorized the search. . .”); *Wilhelm*, 425 F. 3d at 463 (“Where a warrant is open to more than one interpretation, the warrant is ambiguous and invalid on its face and, therefore, cannot be legally executed by a person who knows the warrant to be ambiguous.”).

As argued in the previous section, the warrant application lacked information about: where Casillas obtained the car registered to Hernandez, where he was before and after the first and second drug transactions, how close or far the stores were from Manzo’s home that were allegedly “in the vicinity” of the home, when Casillas arrived at Manzo’s home, how long he was there before the third transaction, and where Casillas’s driver’s license stated he lived. *See* discussion *supra* Part A. Additionally, Harrison did not list who owned the home to be searched, even though this information was readily verifiable, public information (C34).<sup>9</sup>

Harrison also attested to the “associates paragraph” at the center of the lengthy proceedings on defendant’s motion, which stated: “Law enforcement records show Ruben J. Casillas as an associate of Leticia Hernandez who resides at 701 W. Marion Street in Joliet. . .” (C34). The trial court proceedings demonstrated that the statement was ambiguous and open to multiple interpretations, with

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<sup>9</sup> Even members of the public can search the Will County Supervisor of Assessments Office site to determine who owns a given residence: [http://www.willcountysoa.com/search\\_address.aspx](http://www.willcountysoa.com/search_address.aspx). Defendant asks that this Court take judicial notice of that fact. *See People v. Crawford*, 2013 IL App (1st) 100310, ¶ 118, n. 9. (“This court may take judicial notice of information on a public website even though the information was not in the record on appeal.”).

the trial judge discerning that it meant Casillas lived at Manzo's home, and the magistrate attesting that it meant Hernandez lived there (R133-44, 187-89, 261-70). At trial, Harrison admitted that the "associates paragraph" was significant, but did not state why (R608-09). At best, Harrison meant the statement to reiterate that Casillas was seen driving a car that was registered to Hernandez using Manzo's address, and thus provide no further connection between Casillas's drug dealing and Manzo's home. Without more information, the statement was not indicative of anything more than a casual relationship between Casillas and Hernandez. *People v. Manzo*, 2017 IL App (3d) 150264, ¶ 29 (O'Brien, J., dissenting).

At worst, Harrison inferred an illegal enterprise between Casillas and Hernandez without stating the basis for that relationship, since the statement sought to connect Casillas's drug dealing to Manzo's home while failing to identify the law enforcement records on which the police relied, the nature of the association, and how the police had established that Hernandez lived at the residence (C34). Such an inference amounts to no more than Harrison's suspicions, beliefs, or conclusions that sought to undertake the magistrate's province by connecting the facts and imparting a significance that was unreasonable under the factual circumstances. *Gates*, 462 U.S. at 238-39; *Aguilar*, 378 U.S. at 114; *Hickey*, 178 Ill. 2d at 285. In any event, as the affiant, Harrison was aware of the ambiguity and lack of specificity in the warrant application connecting Casillas's drug dealing to Manzo's home. *Leon*, 468 U.S. at 923, n. 24; *Harris*, 2015 IL App (1st) 132162, ¶ 43. As a result, he could not obtain a warrant based on a bare bones affidavit and then "rely on colleagues who [were] ignorant of the circumstances under which the warrant was obtained to conduct the search." *Lenyoun*, 402 Ill. App. 3d at 796 (citing *Leon*, 468 U.S. at 923, n. 24).

Under such circumstances, the good faith exception should not apply. In *People v. Rojas*, 2013 IL App (1st) 113780, the court declined to apply the good-faith exception where the warrant laid out “details of an extensive investigation” as to criminal activity and multiple locations, but was bare bones as to Rojas’s family home. *Rojas*, 2013 IL App (1st) 113780, ¶ 22. The court reasoned that probable cause for the other locations could not be “bootstrapped to supply probable cause, and by implication, good faith,” to search Rojas’s family home. *Id.* Likewise, while the warrant application here contained information establishing probable cause to search Casillas, it could not be “boot strapped” to supply probable cause and “by implication, good faith,” to search Manzo’s home (C31-34). *Rojas*, 2013 IL App (1st) 113780, ¶ 22.

The good-faith exception therefore should not apply because the officers executing the search warrant for Manzo’s home could not have reasonably believed that it was valid where it was drafted so broadly that it invited multiple unreasonable inferences as to Manzo’s home, and where the affiant participated in the search. *Leon*, 468 U.S. at 922–24; 725 ILCS 5/114-12(b)(2)(i) (2009); *LeFlore*, 2015 IL 116799, ¶ 25; *Harris*, 2015 IL App (1st) 132162, ¶ 43; *Rojas*, 2013 IL App (1st) 113780, ¶¶ 21-22; *Lenyoun*, 402 Ill. App. 3d at 793, 796, 799-801; *Reed*, 202 Ill. App. 3d at 764.

*The Evidence Should Be Suppressed.*

As in *Lenyoun*, excluding the evidence here has “real application” in deterring police misconduct since the affiant both procured and executed the warrant with other officers. *Lenyoun*, 402 Ill. App. 3d at 799. The exclusionary rule provides that where a defendant’s Fourth Amendment rights are violated, the evidence will be suppressed if doing so deters police misconduct. *Leon*, 468 U.S. at 906;

*Stone v. Powell*, 428 U.S. 465, 486-87 (1976); *Mapp v. Ohio*, 367 U.S. 643, 655 (1961). The deterrent benefits must outweigh the cost of exclusion. *LeFlore*, 2015 IL 116799, ¶ 23.

Whether Harrison intended to leave out pertinent information from the warrant application, or was so focused on obtaining a search warrant that he included his own inferences where he was only supposed to supply facts, is irrelevant. The warrant application objectively indicated that this was an incomplete police investigation and that the warrant application was premised on suspicions that necessitated further investigation to establish probable cause (C32-34). See discussion *supra* Part A. As defendant argued during the proceedings on his motion to suppress, “[c]ommon sense tells us that law enforcement did not use the vast array of investigative methods at their disposal to link Ruben Casillas’ activity with [Manzo’s home]...” C233). There was no indication in the warrant application that the police were faced with any exigency or were prevented from continuing to investigate Casillas and his drug dealing (C32-34). Manzo ultimately was acquitted of the drug possession charge (C292-93; R975-77), and Casillas was only prosecuted for the undercover drug transactions (R827-28, 837).<sup>10</sup>

Consequently, if the evidence in this case (*i.e.*, the handgun) is not suppressed,

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<sup>10</sup>According to the Will County Circuit Clerk’s website, <http://www.circuitclerkofwillcounty.com/Public-Access/Case-Lookup>, a search of Ruben J. Casillas and Ruben Casillas, Jr. reported that he was convicted of manufacture and delivery of cocaine within 500 feet of a school or public park under 720 ILCS 570/407(b)(1), as to the drug transaction conducted on May 20, 2009 (See Appendix A-21 *et seq.*). Casillas indicated at trial that he pled guilty to this offense (R827-28, 837). No other charges or convictions pertaining to the contraband found in defendant’s home were listed on the county clerk’s website (See Appendix A-27-29). Defendant asks this Court to take judicial notice of this fact. *Crawford*, 2013 IL App (1st) 100310, ¶ 118, n. 9.

law enforcement will not be deterred from conducting incomplete investigations and ultimately supplying magistrates with an insufficient basis for probable cause where there may be probable cause of a person's criminal activity, but an unreasonable belief that evidence of that activity will be found in another person's home, which is afforded the highest protection under the Fourth Amendment. *Jardines*, 569 U.S. at 6; *Payton*, 445 U.S. at 585; *Silverman*, 365 U.S. at 511. Opening up a person's home to an official search requires more than a guest's commission of a crime on the street. *See Rojas*, 2013 IL App (1st) 113780, ¶ 22 (good-faith exception did not apply where purported indicia of probable cause was that "people involved in drug trafficking keep records of their drug activity in their homes," because accepting such indicia would open "any criminal to the official search of his home. . ."). Deterring such police conduct and preserving the sanctity of the home under these circumstances thus outweighs the cost of excluding the evidence. *LeFlore*, 2015 IL 116799, ¶ 23.

### *Conclusion*

As a result, the trial court erred in denying defendant's motion to quash search warrant and suppress evidence, and the evidence should have been suppressed (C250, 350-51; R269-70, 1008). *Harris*, 495 U.S. at 18–19 (1990); *Gates*, 462 U.S. at 239; *McCauley*, 163 Ill. 2d at 448; *McCarty*, 223 Ill. 2d at 153; *Lenyoun*, 402 Ill. App. at 793-801; *Manzo*, 2017 IL App (3d) 150264, ¶¶ 26-31 (O'Brien, J., dissenting). Given that the motion should have been granted, and the State cannot proceed without the evidence obtained pursuant to the unconstitutional search of the defendant's residence, Jorge Manzo respectfully asks that this Court reverse his conviction for unlawful possession of a weapon by a felon. *See People v. Smith*, 331 Ill. App. 3d 1049, 1056 (3d Dist. 2002) ("[B]ecause the State cannot prevail

on remand without the suppressed evidence, we reverse the defendant's conviction and vacate his sentence.").

### **CONCLUSION**

For the foregoing reasons, Jorge Manzo, defendant-appellant, respectfully requests that this Honorable Court reverse his conviction for unlawful possession of a weapon by a felon outright where the evidence of the offense was seized pursuant to search warrant for his home not supported by probable cause.

Respectfully submitted,

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**CERTIFICATE OF COMPLIANCE**

I, Editha Rosario-Moore, certify that this brief conforms to the requirements of Supreme Court Rule 341(a) and (b). The length of this brief, excluding pages containing the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a) is 42 pages.

/s/Editha Rosario-Moore  
EDITHA ROSARIO-MOORE  
Assistant Appellate Defender

No. 122761

IN THE

## SUPREME COURT OF ILLINOIS

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PEOPLE OF THE STATE OF	)	Appeal from the Appellate Court of
ILLINOIS,	)	Illinois, No. 3-15-0264.
	)	
Plaintiff-Appellee,	)	There on appeal from the Circuit
	)	Court of the Twelfth Judicial
-vs-	)	Circuit, Will County, Illinois, No.
	)	09-CF-1345.
	)	
JORGE MANZO, JR.	)	Honorable
	)	Edward A. Burmila, Jr.,
Defendant-Appellant	)	Judge Presiding.

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**NOTICE AND PROOF OF SERVICE**

Lisa Madigan, Attorney General, 100 W. Randolph St., Chicago, IL 60601,  
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Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct. On February 28, 2018, the Brief and Argument was filed with the Clerk of the Supreme Court of Illinois using the court's electronic filing system in the above-entitled cause. Upon acceptance of the filing from this Court, persons named above with identified email addresses will be served using the court's electronic filing system and one copy is being mailed to the defendant-appellee in an envelope deposited in a U.S. mail box in Chicago, Illinois, with proper postage prepaid. Additionally, upon its acceptance by the court's electronic filing system, the undersigned will send 13 copies of the Brief and Argument to the Clerk of the above Court.

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/s/Carol Chatman  
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**APPENDIX TO THE BRIEF**

**Jorge Manzo No. 122761**

Index to the Record .....	A-1
Appellate Court Decision .....	A-11
Notice of Appeal .....	A-20
Will County Clerk Listing of Convictions for Ruben J. Casillas .....	A-21

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**People v. Manzo, Jorge Jr.**  
2009CF001345      3-15-0264

**Volume 1 of 5**

R1	Report of Proceedings of June 15th, 2009 Going over charges/ Defense appearance filed
R3	Bond set at \$70,000/Defense has leave to file a Motion for bond reduction Case set for preliminary hearing
R6	Report of Proceedings of July 9th, 2009 No one appeared on defense side
R9	Report of Proceedings of July 13th, 2009 Arraignment of two count bill of indictment
R10	Defense waive formal reading Enter plea of not guilty Receipt of initial discovery Defense request substitute judge
R13	Report of Proceedings of August 17th, 2009 Pre-Trial conference Case continued for Presentation of defense Pre-Trial Motions
R16	Report of Proceedings of September 25th, 2009 Final Pre-trial conference Case continued
R19	Report of Proceedings of October 16, 2009 Case continued for remaining analysis to be done
R24	Report of Proceedings of October 30th, 2009 Case continued for pre-trial
R28	Report of Proceedings of December 4th, 2009 Status
R32	Report of Proceedings of December 14, 2009 Status of fingerprints

R36 Report of Proceedings of December 18, 2009  
Status on discovery

R41 TRANSCRIPT NOT FILED 01/15/2010

R42 Report of Proceedings of February 17th, 2010  
Status/Final Pre-trial/Presentation of Pre-trial Motions

R46 Report of Proceedings of March 25th, 2010  
Setting  
Defense filed a Motion to Quash arrest and suppress evidence  
Motion to suppress statements/case continued

R50 Report of Proceedings of May 3rd, 2010  
Post-Trial Motions/case continued

R54 Report of Proceedings of May 4th, 2010  
status on motions/case continued

R58 Report of Proceedings of June 8th, 2010  
Case continued for hearing on motions

R62 TRANSCRIPT NOT FILED 07/08/2010

R63 Report of Proceedings of July 26th, 2010  
State's Motion continued

R66 Report of Proceedings of July 27th, 2010  
Case continued pending motions

R70 Report of Proceedings of July 28th, 2010  
Setting of hearing on Pre-trial Motions

R74 Report of Proceedings of September 22, 2010  
State's Response on Motion to quash the arrest and suppress the  
evidence/case continued pending motions

R80 Report of Proceedings of October 6th, 2010  
Case continued pending motions

R84 Report of Proceedings of December 28th, 2010  
Case continued pending motions

R87 Report of Proceedings of January 26th, 2011  
Case continued pending motions

R91 Report of Proceedings of February 8th, 2011  
Status on setting/Case continued

R95	Report of Proceedings of March 30, 2011 Hearing on Motions/status/case continued
R100	Report of Proceedings of April 6th, 2011 Set for hearing/Motion to quash arrest and suppress evidence
R103	Report of Proceedings of May 6th, 2011 Case continued
R106	Report of Proceedings of May 6th, 2011 Pending pre-trial motions/Defense Motion to substitute
R110	Report of Proceedings of May 6th, 2011
R112	Amended Motion in Limine regarding prior convictions
R113	Defense Argument on Amended Motion in Limine
R116	State's Argument on Amended Motion in Limine
R118	Defense Argument on Amended Motion in Limine
R122	Defense request permission to Amend Motion to quash/Court gives leave to make that amendment
R124	Defense Motion to Quash Search Warrant and Suppress Evidence Argument
R132	State's Argument on Motion to Quash Search Warrant and Suppress Evidence
R140	Defense Motion to Quash Search Warrant and Suppress Evidence Argument
R147	Report of Proceedings of May 13th, 2011 Status on Motions already presented
R156	Report of Proceedings of June 15th, 2011 Continued hearing
R159	Report of Proceedings of July 7th, 2011 Continued hearing
R166	Report of Proceedings of July 14, 2011 State's Motion to continue hearing case continued

R172 Report of Proceedings of July 26th, 2011  
Issue if proceeding with the evidentiary hearing  
case continued pending witness testimony

R181 Report of Proceedings of August 30th, 2011  
Continued hearing

R182 State's Motion of intent to offer an affidavit in lieu of testimony of  
former Judge White.  
case continued pending hearing

R185 Report of Proceedings of September 27th, 2011  
Continued argument on misleading information for Judge White

R196 Report of Proceedings of September 30th, 2011  
Continued argument on misleading information for Judge White

R199 Report of Proceedings of October 4th, 2011  
Continued argument on misleading information for Judge White

R202 Report of Proceedings of October 12th, 2011  
Continued argument on misleading information for Judge White

R205 TRANSCRIPT NOT FILED 10/19/2011

R206 TRANSCRIPT NOT FILED 10/26/2011

R207 Report of Proceedings of December 8th, 2011  
Set for State's Good-Faith hearing/case continued

R211 Report of Proceedings of January 25th, 2012  
Status

R218 Report of Proceedings of March 8th, 2012  
Defense Motion to reconsider

R222 Report of Proceedings of April 3rd, 2012  
Defense Motion to reconsider

R228 TRANSCRIPT NOT FILED 04/17/2012

R229 Report of Proceeding of April 18, 2012  
Case passed and recalled

R232 Report of Proceedings of June 7th, 2012  
Status on Motion to Reconsider

- R236 Report of Proceedings of July 12th, 2012  
Defense Motion to suppress statements and status as to filing an amended motion to reconsider
- R241 Report of Proceedings of September 18th, 2012  
Hearing/Motion to reconsider/Hearing on motion to suppress statement.
- R244 Report of Proceedings of October 31st, 2012  
Motion to reconsider
- R246 Defense Argument on Motion to reconsider

**Volume 2 of 5**

- R251
- R256 State's Argument on Motion to reconsider
- R259 Defense Argument on Motion to reconsider
- R261 Judge will take Motion to reconsider under advisement
- R265 Report of Proceedings of November 7th, 2012  
case continued
- R268 Report of Proceedings of November 20th, 2012  
Decision regarding Motion to reconsider
- R273 Report of Proceedings of January 9th, 2013  
Hearing on motion to suppress Statements/Motion withdrawn
- R277 Report of Proceedings of February 8th, 2013  
Plea or setting
- R280 Report of Proceedings of March 15th, 2013  
Plea negotiations
- R283 Report of Proceedings of April 10, 2013  
Further Pre-trial
- R287 Report of Proceedings of May 14th, 2013  
Pre-trial
- R290 Report of Proceedings of June 25th, 2013  
Pre-trial
- R293 Report of Proceedings of September 23rd, 2013  
Reset for plea or for trial

R296 Report of Proceedings of October 9th, 2013  
Case set for trial

R300 TRANSCRIPT NOT FILED 12/30/2013  
No shorthand notes that pertain to this case

R301 Report of Proceedings of January 7th, 2014  
Case continued pending trial

R304 Report of Proceedings of April 1st, 2014  
Case continued pending trial

R307 Report of Proceedings of May 6th, 2014  
Case continued pending trial

R310 Report of Proceedings of June 23, 2014  
Case continued pending trial

R314 Report of Proceedings of July 11th, 2014  
Case continued pending trial

R318 TRANSCRIPT NOT FILED 9/29/2014

R319 Report of Proceedings of September 29th, 2014

R322 Defense filed Motion in limine

R324 Defense Argument on Motion in Limine

R326 State's Argument on Motion in Limine

R328 Defense Motion is granted to the extent that the phrase, quote, the  
felony offense of unlawful use of a weapon by a felon will not be ready  
to the jury

R331 Report of Proceedings of October 2nd, 2014  
Status on trial

R334 Report of Proceedings of October 6th, 2014

R337 Voir Dire

R352 Report of Proceedings of October 6th 2014 P.M Session  
Voir Dire

R445 End of Voir Dire

R447 Report of Proceedings of October 7th, 2014

R448 Discussion of witness Ken Riser regarding lab reports and Ms. Woolery/Discussion on how State requested a new analysis

R480 Report of Proceedings of October 8th, 2014 Trial

R495 Opening Statement by the State

R498 Opening Statement by Defense

**Volume 3 of 5**

<u>Witness</u>	<u>DX</u>	<u>CX</u>	<u>RDX</u>	<u>RCX</u>
Officer Jeremy Harrison	R502	R561		

R578 Report of Proceedings of October 9th, 2014

R589 State's Motion in Limine

<u>Witness</u>	<u>DX</u>	<u>CX</u>	<u>RDX</u>	<u>RCX</u>
Officer Jeremy Harrison		R593	R605	R628 R637
			R639	

<u>Witness</u>	<u>DX</u>	<u>CX</u>	<u>RDX</u>	<u>RCX</u>
Officer Mike Reilly	R641			
Officer Frank E. Wascher	R646	R660		
Francis Senese	R661	R719	R731 R734	R733

R737 Report of Proceedings of October 10th, 2014  
Continued trial

<u>Witness</u>	<u>DX</u>	<u>CX</u>	<u>RDX</u>	<u>RCX</u>
Detective Brian Prochaska	R741			

**Volume 4 of 5**

<u>Witness</u>	<u>DX</u>	<u>CX</u>	<u>RDX</u>	<u>RCX</u>
Detective Brian Prochaska	R741	R752		

R758 Report of Proceedings of October 14, 2014  
Continued trial

<u>Witness</u>	<u>DX</u>	<u>CX</u>	<u>RDX</u>	<u>RCX</u>
Robin Jennifer Woolery	R761			

R772 Defense continued objection to State's Credentials of Ms. Woolery/State and Defense discussion with judge



<u>Witness</u>	<u>DX</u>	<u>CX</u>	<u>RDX</u>	<u>RCX</u>
Robin Jennifer Woolery		R791	R793	

R817 Stipulation of Dustin Johnson/Employed by the Illinois State Police Bureau of Forensic Sciences as a forensic scientist.

R819 Stipulation of Jim W Glasgow agree that State's attorney of Will County, ILL, by Assistant State's Attorneys Michael Kknick and Collen Griffin

R819 State rest and proofs are closed

R820 Defense Motion for Directed finding of not guilty  
Defense Argument  
State's Argument

R821 Defense Motion for Directed findings of not guilty (Denied)

<u>Witness</u>	<u>DX</u>	<u>CX</u>	<u>RDX</u>	<u>RCX</u>
Ruben Cassilas	R824	R837		

Leticia Manzo	R848	R851		
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R858 Defendant will testify

<u>Witness</u>	<u>DX</u>	<u>CX</u>	<u>RDX</u>	<u>RCX</u>
Jorge Manzo	R859	R865		

R886 Defense closed proofs

R887 Review of trial instructions

R905 Report of Proceedings of October 15th, 2014

<u>Witness</u>	<u>DX</u>	<u>CX</u>	<u>RDX</u>	<u>RCX</u>
Brian Prochaska	R908	R910		

R911 All proofs closed/jury taking to the jury room  
Conference on instructions

R919 Report of Proceedings of October 15th, 2014  
PM Session

R921 State's Closing Argument

R932 Defense Closing Argument

R951 State's Rebuttal Closing Argument

R961 Judge give jury instructions of closing arguments

R974 Report of Proceedings of October 15th, 2014  
Continuance of late session

R975 Jury finds defendant guilty

R978 State's Motion to Revoke defendant's bond

R979 State's Argument on Motion to Revoke defendant's bond  
Defense Argument on Motion to Revoke defendant's bond

R981 Motion to Revoke defendant's bond (Denied)  
Case continued for sentencing

R984 Report of Proceedings of October 22nd, 2014

R985 Defense request to extend the time to file post-trial motions  
Time for filing post-trial motions is extended to December 18th.

R987 Report of Proceedings of December 19th, 2014

R988 Defense filed a Motion for JNOV/Motion to continue sentencing, and  
post-trial motions  
Case continued pending sentencing

R990 Report of Proceedings of January 13th, 2015  
Case continued pending sentencing

R993 Report of Proceedings of February 23rd, 2015  
Case continued pending sentencing

R997 Report of Proceedings of March 23rd, 2015  
Sentencing

### **Volume 5 of 5**

<u>Witness</u>	<u>DX</u>	<u>CX</u>	<u>RDX</u>	<u>RCX</u>
Daniel Martinez	R1002			
Leticia Manzo	R1005			

R1007 Defense Motion for JNOV or in the alternative a New Trial  
No arguments from state nor defense on motion

R1008 Motion for JNOV or in the alternative a New Trial (Denied)

R1012 State's Argument on sentencing

R1013 Defense Argument on sentencing

R1016 Defendant makes a statement prior to sentencing

R1019 Report of Proceedings of April 21st, 2015  
Sentencing

R1021 Defendant sentenced to 36 months of probation

**SUPPLEMENTAL 6 of 6**

R1028 Report of Proceedings of January 15th, 2010  
Waiting for lab report/interpreter

R1033 Report of Proceedings of July 8th, 2010  
Case strike

R1036 Report of Proceedings of October 26th, 2011  
Case up for filing(denied and stricken)

R1039 Report of Proceedings of April 17th, 2012  
State's Motion to reconsider  
Defendant's Motion to reconsider

R1042 State's Motion to Reconsider is granted/Original ruling is vacated

**SUPPLEMENTAL 7 of 7**

R1045 Report of Proceedings of October 19th, 2011  
Hearing to be held with the onus on the State

**Manila Envelope**  
**EX1**

**Manila Envelope**  
**EX2**

**Manila Envelope**  
**EX3**

**Manila Envelope**  
**EX4**

2017 IL App (3d) 150264

Opinion filed October 6, 2017

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IN THE  
APPELLATE COURT OF ILLINOIS  
THIRD DISTRICT

2017

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Circuit Court
	)	of the 12th Judicial Circuit,
	)	Will County, Illinois,
Plaintiff-Appellee,	)	
	)	Appeal No. 3-15-0264
v.	)	Circuit No. 09-CF-1345
	)	
JORGE MANZO, JR.,	)	Honorable
	)	Edward A. Burmilia, Jr.,
Defendant-Appellant.	)	Judge, Presiding.

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JUSTICE CARTER delivered the judgment of the court, with opinion.  
Justice Lytton concurred in the judgment and opinion.  
Justice O'Brien dissented, with opinion.

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**OPINION**

¶ 1 Defendant, Jorge Manzo, Jr., contends that the circuit court erred in denying his motion to quash the search warrant and suppress evidence. We affirm.

¶ 2 FACTS

¶ 3 On June 11, 2009, Officer Jeremy Harrison filed a complaint for a warrant to search the person of Ruben Casillas, a black Ford Explorer, and a residence located at 701 West Marion in Joliet—defendant Manzo's residence. The complaint included the affidavit of Harrison in which

he averred that he purchased cocaine from Casillas in an undercover capacity on three different occasions.

¶ 4 According to Harrison, the first transaction occurred on May 20, 2009. Harrison contacted Casillas to purchase cocaine. Casillas told Harrison to meet him at Gonzalez Supermarket. When the two met at the supermarket, Harrison observed Casillas walking away from a black Ford Explorer. Harrison and Casillas met inside the store where the two exchanged cash for the narcotics. Casillas then exited the store and left in the black Ford Explorer. Harrison later discovered that the vehicle was registered to Leticia Hernandez, a known associate of Casillas, at 701 West Marion.

¶ 5 On May 28, 2009, Harrison again contacted Casillas to purchase cocaine. Casillas directed Harrison to meet him at Stang Kelly Liquors store. The two met inside the store and exchanged cash for the narcotics.

¶ 6 The third transaction occurred on June 8, 2009. Harrison contacted Casillas through text messages to again purchase cocaine. During the text message conversation, two other officers conducted surveillance at 701 West Marion (the residence where the black Ford Explorer was registered). The two other officers observed Casillas leave the residence after he directed Harrison to meet him at Stang Kelly Liquors store. The two officers conducted uninterrupted surveillance of Casillas as he walked to the store. As Casillas walked, he contacted Harrison again to change the meeting place to Martinez Grocery Store. The two met inside the store and exchanged money for narcotics. The complaint did not indicate whether officers observed Casillas return to the residence.

¶ 7 According to the complaint for the search warrant, field tests of the narcotics Casillas provided Harrison all indicated the presence of cocaine.

¶ 8 The warrant application also stated that Harrison positively identified Casillas from an Illinois driver's license photograph, and that "[l]aw enforcement records show Ruben J. Casillas as an associate of Leticia Hernandez who resides at 701 West Marion St., in Joliet \*\*\*."

Harrison attested that he believed probable cause existed to search Casillas, the black Ford Explorer, and the residence located at 701 West Marion. Officers sought any evidence of unlawful possession of a controlled substance with or without intent to deliver, cocaine, currency, proof of residency and identification, drug packaging, and drug paraphernalia.

¶ 9 The warrant judge issued the search warrant the same day the complaint was filed. Police searched the residence and recovered, among other things, cocaine and a handgun. Both items were found in the master bedroom closet. The search of Casillas and the black Ford Explorer are not relevant to this appeal.

¶ 10 The State charged defendant with unlawful possession of a controlled substance with intent to deliver (720 ILCS 570/401(a)(2)(B) (West 2008)), and unlawful possession of a weapon by a felon (720 ILCS 5/24-1.1(a) (West 2008)).

¶ 11 Prior to trial, defendant filed a motion to quash the search warrant and suppress the evidence. The motion alleged that the complaint for the search warrant failed to establish probable cause to conduct a search of the residence, which led to defendant's arrest and the seizure of evidence. Specifically, defendant asserted that the warrant was unsupported by any evidence that one or more of the transactions took place at the residence, that the police observed illegal activity at the residence, or that Casillas sold contraband or conducted other illegal activity at the residence. In addition, the motion argued that the police failed to seek or find any corroborating information to verify that Casillas lived at the residence.

¶ 12 Following extensive proceedings on the issue, the circuit court found the warrant established probable cause to believe there was a reasonable likelihood that contraband would be found in the residence. Therefore, the court denied defendant's motion to quash the search warrant and suppress evidence.

¶ 13 The cause then proceeded to a jury trial. The jury found defendant guilty of unlawful possession of a weapon by a felon but acquitted him of unlawful possession of a controlled substance with intent to deliver. The circuit court sentenced defendant to 36 months' probation.

#### ¶ 14 ANALYSIS

¶ 15 On appeal, defendant contends the circuit court erred in finding probable cause to issue the warrant to search his residence.<sup>1</sup> Defendant contends the complaint for the search warrant did not establish probable cause because it failed to show a nexus between Casillas's illegal activities and defendant's residence. In other words, defendant asserts probable cause was lacking because the warrant did not include any information or observations connecting Casillas's illegal activity to defendant's residence. Upon review, we find the warrant judge had a substantial basis for finding probable cause to believe that evidence of Casillas's illegal activities would be found in defendant's residence. Therefore, we hold the circuit court did not err when it denied defendant's motion to quash the search warrant and suppress evidence.

¶ 16 Initially, we note that as a reviewing court, it is not our function to substitute our judgment for that of the warrant judge. *People v. Sutherland*, 223 Ill. 2d 187, 219 (2006). Instead, our task is to ensure that the warrant judge had a substantial basis for concluding that probable cause existed. *Id.* At a probable cause hearing, the warrant must make a practical, commonsense assessment of whether, given all of the circumstances set forth in the affidavit,

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<sup>1</sup>Defendant does not challenge the validity of the warrant as to the search of the vehicle or Casillas.

there is a fair probability that evidence of a particular crime will be found in a particular place.

*People v. Hickey*, 178 Ill. 2d 256, 285 (1997). “A showing of probable cause means that the facts and circumstances within the knowledge of the affiant are sufficient to warrant a person of reasonable caution to believe that an offense has occurred and that evidence of it is at the place to be searched.” *People v. Moser*, 356 Ill. App. 3d 900, 908 (2005). The standard for probable cause rests upon the probability of evidence of criminal activity, not a showing of proof beyond a reasonable doubt. *People v. Brown*, 2014 IL App (2d) 121167, ¶ 22 (citing *People v. Stewart*, 104 Ill. 2d 463, 475-76 (1984)).

¶ 17 In determining whether probable cause for a search warrant exists, there must be a sufficient nexus between a criminal offense, the items to be seized, and the place to be searched. *People v. Beck*, 306 Ill. App. 3d 172, 178-79 (1999) (citing *People v. McCoy*, 135 Ill. App. 3d 1059, 1066 (1985)). If there is no direct information to establish such a nexus, the court may draw reasonable inferences to create the nexus. *McCoy*, 135 Ill. App. 3d at 1066. “A judge asked to issue a search warrant may draw reasonable inferences from the material supplied, and although it may not be easy to determine when an affidavit demonstrates probable cause, doubtful or marginal cases are largely resolved by resorting to the preference accorded to warrants.” *Beck*, 306 Ill. App. 3d at 179 (citing *People v. Hancock*, 301 Ill. App. 3d 786, 792 (1998)).

¶ 18 Here, Harrison’s affidavit showed that officers observed Casillas leave defendant’s residence while communicating with Harrison to set up an imminent drug transaction. While under uninterrupted surveillance, Casillas walked from the residence to the location of the drug transaction. During a different transaction, Casillas was seen using a black Ford Explorer registered to defendant’s residence. The vehicle was registered to Leticia Hernandez, who



resided at the same residence as defendant. Although the affidavit lacked any information that showed Casillas resided at the residence, such information is not necessary. The critical question is whether the affidavit established a fair probability that evidence of Casillas's activity would be found in defendant's residence. See *Hickey*, 178 Ill. 2d at 285. The information contained within the affidavit sufficiently connected Casillas's drug activity to defendant's residence. It was therefore reasonable for the warrant judge to conclude that a nexus existed between Casillas's cocaine sales and defendant's residence. Therefore, the warrant judge had a substantial basis to find probable cause to issue the search warrant for defendant's residence.

¶ 19 In reaching this conclusion, we reject defendant's reliance on *People v. Lenyoun*, 402 Ill. App. 3d 787 (2010), for the proposition that the complaint for the search warrant failed to establish probable cause to search his residence. We find *Lenyoun* is factually distinguishable from the instant case.

¶ 20 In *Lenyoun*, a police officer first obtained a warrant to search defendant's person and his vehicle based on the observation of defendant leaving his residence on three occasions before meeting an individual on a street and exchanging an item for money. *Id.* at 788. Officers detained one individual who met with defendant. *Id.* The individual was found to possess cocaine, which he claimed he purchased from defendant. *Id.* The first search resulted in police finding currency and a canine's positive alert on defendant's vehicle. *Id.* at 789. However, the officers did not find any contraband. *Id.* The officers then obtained a second search warrant for defendant's residence. *Id.* The complaint for the search warrant did not indicate that officers ever saw contraband removed from or taken into the residence. *Id.* at 790. Nor did the complaint show that contraband was purchased from the residence or that officers observed defendant make any drug transactions from the residence. *Id.*

¶ 21 The circuit court granted defendant's motion to quash the search warrant and suppress evidence, finding that the complaint for the search warrant lacked sufficient specificity to justify a search of the residence. *Id.* The State appealed. On appeal, the court affirmed on the basis that the complaint for the search warrant lacked a nexus connecting defendant's criminal activity to his residence. *Id.* at 797. Therefore, the court found that the totality of the circumstances failed to show a fair probability that contraband or evidence of a crime would be found at defendant's residence. *Id.*

¶ 22 The nexus absent in *Lenyoun* is present in the instant case. Unlike *Lenyoun*, which involved only one transaction, Harrison conducted three undercover purchases from Casillas. On one occasion, officers observed Casillas leave the residence to sell Harrison cocaine. The officers' constant surveillance established that Casillas left the residence and sold cocaine to Harrison without making any stops before the transaction. Further, Casillas was seen using a vehicle registered to the residence to conduct a separate drug transaction.

## ¶ 23 CONCLUSION

¶ 24 The judgment of the circuit court of Will County is affirmed.

¶ 25 Affirmed.

¶ 26 JUSTICE O'BRIEN, dissenting.

¶ 27 The majority holds that the circuit court did not err when it denied defendant's motion to quash the search warrant and suppress evidence. *Supra* ¶ 15. In its holding, the majority finds that the warrant judge had a substantial basis for finding probable cause to believe that evidence of Casillas's illegal activities would be found in defendant's residence. *Id.* I dissent.

¶ 28 Here, there are only two allegations within the complaint that have any reference to the residence in question. The first allegation shows that Casillas used Leticia Hernandez's vehicle

(which was registered to the residence) to arrive at one of the three transactions. The other allegation shows that Casillas was seen leaving the residence prior to one of the three transactions. Noticeably absent from the complaint are any allegations that Casillas lived in the residence, stored the narcotics in the residence, or conducted any drug transactions inside the residence. The three alleged transactions occurred over a period of 19 days (May 5 to June 8, 2009). At best, the complaint established that Casillas was an acquaintance of the owners of the residence. It did not establish a nexus to believe evidence of Casillas's illegal activities would be found in the residence. I would therefore find that the complaint for the search warrant failed to provide the warrant judge with a substantial basis to find probable cause to search defendant's residence.

¶ 29 The majority reaches the opposite conclusion. In making this determination, the majority rejects defendant's reliance on *Lenyoun*, 402 Ill. App. 3d 787. The majority finds that *Lenyoun* is factually distinguishable. *Supra* ¶ 19. I disagree, *Lenyoun* actually supports a finding that the complaint for the search warrant failed to establish probable cause to search defendant's residence.

¶ 30 In contrast to this case, the warrant application in *Lenyoun* contained more information connecting defendant to the residence in question—the police observed him leave the residence multiple times before three purported drug transactions (one of which was a cocaine transaction on a public street). *Lenyoun*, 402 Ill. App. 3d at 788-89. Significantly, the residence in question was listed on defendant's driver's license. *Id.* at 789. Nevertheless, the appellate court found that the complaint lacked a sufficient nexus connecting defendant's illegal activity to the residence on the basis that “[t]o accept a single drug sale conducted from a car by a defendant as probable

cause for the search of the defendant's residence would nullify the rule of law that disavows 'bare-bones' affidavits to support the issuance of a warrant." *Id.* at 795.

¶ 31 The complaint for the search warrant in this case included even less information connecting Casillas's illegal activity to the residence in question. Casillas's driver's license did not list the residence, and the police only observed defendant leave the residence before one transaction. Additionally, Casillas was seen leaving the vehicle registered to the residence (under Leticia Hernandez) before only one transaction. Critically absent from the complaint are any allegations as to how often Casillas drove the vehicle, how long (if at all) Casillas stayed at the residence, or whether Leticia Hernandez had any connection to Casillas's illegal activity. Like the court in *Lenyoun*, I would find that the "bare bones" affidavit in support of the search warrant failed to establish a nexus connecting Casillas's illegal activity to the residence. Therefore, I would hold that the circuit court erred in denying defendant's motion to quash the search warrant and suppress evidence.

**NOTICE OF APPEAL****APPEAL TAKEN FROM THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT IN  
WILL COUNTY, ILLINOIS****APPEAL TAKEN TO THE APPELLATE COURT, THIRD JUDICIAL DISTRICT, ILLINOIS**  
The People of the State of Illinois

Plaintiffs-Appellees,

-VS-

JORGE MANZO JR

Defendant-Appellant

Case No 08CF1345 PEOPLE OF THE STATE OF ILLINOIS VS. JORGE MANZO JR☐ Joining Prior Appeal / ☒ Separate Appeal / ☐ Cross Appeal  
(Mark One)

An appeal is taken from the Order of Judgment described below

- (1) Court to which appeal is taken is the Appellate Court  
 (2) Name of Appellant and address to which notices shall be sent

NAME JORGE MANZO JRADDRESS 1020 BLACK RD JOLIET IL 60435

- (3) Name and address of Appellant's Attorney on appeal

NAME Peter A. Carusona, Deputy Defender  
Office of the State Appellate Defender  
Third Judicial District  
770 E. Etna Rd  
Ottawa, Illinois 61350

If Appellant is indigent and has no attorney, does he/she want one appointed?

Yes

- (4) Date of Judgment or Order

(a) Sentencing Date APRIL 21 2015(b) Motion for New Trial MARCH 23 2015(c) Motion to Vacate Guilty Plea N/A

(d) Other

Motion FOR J N O V and in the Alternative, for a New Trial denied March 23, 2015

- (5) Offense of which convicted

Unlawful Use of Weapon by a Felon

- (6) Sentence

36 months intensive probation, 16 days jail, credit 8 days served, day for day good time to apply fines and costs assessed

- (7) If appeal is not from a conviction, nature of order appealed from

- (8) If the appeal is from a judgment of a circuit court holding unconstitutional a statute of the United States or of this state, a copy of the court's findings made in compliance with Rule 18 shall be appended to the notice of appeal

(Signed)

(May be signed by appellant, attorney, or clerk of circuit court)

**PAMELA J. McGUIRE**

Clerk of the Circuit Court

NOAPL

cc State's Attorney  
Attorney General



Clerk of the Circuit Court  
Andrea Lynn Chasteen

<b>Parties</b>	<b>Offenses</b>	<b>Financials</b>	<b>Schedule</b>	<b>Events</b>
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**Search End**

<b>Case:</b> 2009CF002215	<b>Status:</b> Collection Notice	<b>Opened:</b> 10/07/2009
<b>Title:</b> PEOPLE OF THE STATE OF ILLINOIS vs. RUBEN J CASILLAS		
<b>Type:</b> CRIMINAL FELONY	<b>Closed:</b> 07/13/2010	

Offense Count	Offense Date	Charge Description	Class	Disposition Date	Disposition	Sentence Date
1	05/20/...	MFG/DEL COCAINE...	X	07/13/...	Guilty	07/13/...

Sentence Description	Sentence Status
Department Of Corrections	Sentence In Force
Fines and/or Cost/Penalties and...	N/A

Penalty Description	Amount
Jail	7 years

Offense Count	Offense Date	Charge Description	Class	Disposition Date	Disposition	Sentence Date
2	05/28/...	MFG/DEL COCAINE...	X	07/13/...	Nolle Prosequi	07/13/...
3	06/08/...	MFG/DEL COCAINE...	X	07/13/...	Nolle Prosequi	07/13/...

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Parties	Offenses	Financials	Schedule	Events
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Search End

<b>Case:</b> 2009CF002215	<b>Status:</b> Collection Notice	<b>Opened:</b> 10/07/2009
<b>Title:</b> PEOPLE OF THE STATE OF ILLINOIS vs. RUBEN J CASILLAS		
<b>Type:</b> CRIMINAL FELONY	<b>Closed:</b> 07/13/2010	

Event Date	Docket Entry
04/15/2013	II. Dept of Corrections Notification Release.
03/11/2013	II. Dept of Corrections Notification Release.
11/18/2010	Case Sent To Collection
11/18/2010	Case Interest Calulation 128 Days At 15% Of 125.00
07/27/2010	Sheriff Fee Bill Filed
07/16/2010	Sheriff / Jail / DOC Receipt
07/13/2010	<b>Disposition 04/00 Count 001 Manual Calculations</b> Disposition: Guilty MFG/DEL COCAINE/SCH/PUB HS/PK Disposition Type: Guilty Plea Defendant Plea: Guilty Statute 720 570/407(b)(1) Class X Orig. Sentence: 07/13/2010 Sentence: Department Of Corrections 7Yrs Sentence In Force Sentence: Fines and/or Cost/Penalties and Fees Sentence In Force Manual Calculations 1010.00 DRUG FUND-JUVENILE 187.50 DRUG FUND-COUNTY 562.50 DRUG FUND-ASSESSMEN 3000.00 CRIME LAB 100.00
07/13/2010	<b>Disposition 06/00 Count 003 No Fine &amp; Cost</b> Disposition: Nolle Prosequi MFG/DEL COCAINE/SCH/PUB HS/PK Disposition Type: Court Action Defendant Plea: No Plea Entered Statute 720 570/407(b)(1) Class X Orig. Sentence: 07/13/2010 No Fine & Cost .00
07/13/2010	<b>Disposition 05/00 Count 002 No Fine &amp; Cost</b> Disposition: Nolle Prosequi MFG/DEL COCAINE/SCH/PUB HS/PK Disposition Type: Court Action Defendant Plea: No Plea Entered Statute 720 570/407(b)(1) Class X Orig. Sentence: 07/13/2010

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Parties	Offenses	Financials	Schedule	Events	Search End
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	advised of the minimum and maximum sentences available. The Court accepts the plea of guilty to count 1 the offense of Unlawful Delivery of a Controlled Substance Within 1000 Feet of a Church, Class X. Judgment of conviction is entered. Pre-sentence investigation report is waived. Defendant is sentenced. Judgment is entered for money due. On motion of the State, counts 2 and 3 are nolle prosequi. Appellate rights explained. Defendant remanded. See order signed.
07/13/2010	<b>Impounded Document - 2010 Participation Certificate from Center for Correctional Concerns (5-12-10). Official transcripts of G.E.D. Tests Results. High School Equivalency Certificate (5-20-10)</b>
07/13/2010	<b>Letter on behalf of the defendant from WCADF food director</b>
07/13/2010	<b>Order Re: Street Value Fine and Crime Lab Fee</b>
07/13/2010	<b>Memorandum of Judgment</b>
07/13/2010	<b>Criminal Cost Sheet</b>
07/13/2010	<b>Statement of Facts</b>
07/13/2010	<b>Judgment - Sentence - IDOC</b>
07/13/2010	<b>Plea of Guilty</b>
07/09/2010	<b>Defendant Motion for Contact Visit</b> Defendant present by Attorney NEIL J. ADAMS. No one else appears. Case is called on defense counsel's oral motion for contact visit. Motion is allowed. See Order signed.
07/09/2010	<b>See Order Signed for Contact Visit</b>
06/14/2010	<b>CF - Continue Generally</b> People present by ANNA L. ROSSI. Defendant appears in person in custody of the Will County Sheriff and by Attorney, NEIL ADAMS. Matter comes before the Court for pretrial. Motion of the defendant, without objection, matter continued for further pretrial. Defendant remanded. (09CF2215 & 08CF677)
05/13/2010	<b>CF - Continue Generally</b> People present by ANNA L. ROSSI. Defendant appears in person in custody of the Will County Sheriff and by Attorney, NEIL J. ADAMS. Matter comes before the Court for pretrial. Motion of the defendant, without objection, matter continued for further pretrial. Defendant remanded. (09CF2215 & 08CF677)
© 2011-2018, Will County Clerk, All Rights Reserved. On motion of the defendant, without objection, matter continued for further pretrial. Defendant remanded. (09CF2215 & 08CF677)	
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Parties	Offenses	Financials	Schedule	Events	Search End
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03/23/2010	<b>Order for Contact Visit</b>				
03/12/2010	<b>Grand Jury Minutes</b>				
03/12/2010	<b>Record of Conviction of the Defendant</b>				
03/12/2010	<b>Physical Evidence</b>				
03/12/2010	<b>Statements of the Defendant</b>				
03/12/2010	<b>Notification of Reports Summarizing Witnesses Oral Statement</b>				
03/12/2010	<b>List Of Witnesses</b>				
03/11/2010	<b>Illinois State Police Court Disposition Form Filed This Date</b>				
03/10/2010	<b>Warrant of Arrest Served Returned by the Sheriff</b>				
03/04/2010	<b>Disposition 03/00 Count 003 No Fine &amp; Cost</b> Disposition: Dismiss/Superseded by Indictment or Information MFG/DEL C Disposition Type: Court Action Defendant Plea: No Plea Entered Statute 720 570/407(b)(1) Class X Orig. Sentence: 03/04/2010 No Fine & Cost .00				
03/04/2010	<b>Disposition 02/00 Count 002 No Fine &amp; Cost</b> Disposition: Dismiss/Superseded by Indictment or Information MFG/DEL C Disposition Type: Court Action Defendant Plea: No Plea Entered Statute 720 570/407(b)(1) Class X Orig. Sentence: 03/04/2010 No Fine & Cost .00				
03/04/2010	<b>Disposition 01/00 Count 001 No Fine &amp; Cost</b> Disposition: Dismiss/Superseded by Indictment or Information MFG/DEL C Disposition Type: Court Action Defendant Plea: No Plea Entered Statute 720 570/407(b)(1) Class X Orig. Sentence: 03/04/2010 No Fine & Cost .00				
03/04/2010	<b>See Order Signed</b>				
03/04/2010	<b>Appearance</b>				
03/04/2010	<b>CF - Arraignment Tend</b> People present by ANNA L. ROSSI. Defendant appears in the				

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Parties	Offenses	Financials	Schedule	Events	Search End
	comply by March 25, 2010. On motion of the Defendant matter is set for pretrial before the Honorable Richard Schoenstedt. Defendant remanded.(08 CF 677, 09 CF 2215)				
03/02/2010	<b>CF - Continue for Arraignment / Counsel</b> People present by ANNA L. ROSSI. Defendant present in custody of the Will County Sheriff having been arrested on an outstanding warrant. On motion of the defendant to hire counsel, arraignment is continued. (08 CF 677)				
03/01/2010	<b>Mittimus For Failure To Give Bail Filed</b>				
03/01/2010	<b>Sheriff Fee Bill Filed</b>				
03/01/2010	<b>Custody on Warrant \$300,000.00-10%</b>				
01/07/2010	<b>Bill of Indictment</b>				
01/07/2010	<b>CF - Grand Jury Direct &amp; Warrant Out</b> People present by KENNETH A. CHUDWIN. Court is in receipt of a three count Bill of Indictment. Same is presented and ordered filed. Warrant previously issued with bail set thereon in the amount of \$300,000.00 - 10% to apply to stand. Matter is set for arraignment upon apprehension.				
01/07/2010	<b>Charge 06 Count 003 MFG/DEL COCAINE/SCH/PUB HS/PK</b> Statute 720 570/407(b)(1) Class X Orig. Agency: JOLIET CITY Charge Instr: INDICTMENT				
01/07/2010	<b>Charge 05 Count 002 MFG/DEL COCAINE/SCH/PUB HS/PK</b> Statute 720 570/407(b)(1) Class X Orig. Agency: JOLIET CITY Charge Instr: INDICTMENT				
01/07/2010	<b>Charge 04 Count 001 MFG/DEL COCAINE/SCH/PUB HS/PK</b> Statute 720 570/407(b)(1) Class X Orig. Agency: JOLIET CITY Charge Instr: INDICTMENT				
10/07/2009	<b>Warrant Issued - States Attorney</b> -10%				
10/07/2009	<b>Warrant Application</b>				
10/07/2009	<b>Complaint-UNLAWFUL DELIVERY OF A CONTROLLED SUBSTANCE...</b> A CHURCH 2 COUNTS/DELIVERY OF A CONTROLLED SUBSTANCE W/I 1				
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10/07/2009	<b>Charge 03 Count 003 MFG/DEL COCAINE/SCH/PUB HS/PK</b>				



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[Parties](#)[Offenses](#)[Financials](#)[Schedule](#)[Events](#)[Search](#) [End](#)

**Charge 01 Count 001 MFG/DEL COCAINE/SCH/PUB HS/PK**  
Statute 720 570/407(b)(1) Class X Orig.  
Agency: JOLIET CITY Charge Instr: COMPLAINT

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A-26

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2/15/2018



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Search End

## Search for Party Name - RUBEN J CASILLAS

							TOP
Case	Status	Party Type	Party Name	Birth Date	Reference	Case Type	File Date
<u>1990FP...</u>	Cl...	Def...	CASILLAS RU...	N/A	CASILLAS RU...	Fami...	04/2...
<u>2017TR...</u>	O...	Def...	CASILLAS RU...	03/0...	IMPROPER T...	TRA...	09/2...
<u>2017TR...</u>	O...	Def...	CASILLAS RU...	03/0...	DRIVING 15-2...	TRA...	09/2...
<u>2017TR...</u>	O...	Def...	CASILLAS RU...	03/0...	OPERATE UN...	TRA...	09/2...
<u>2017TR...</u>	O...	Def...	CASILLAS RU...	03/0...	TRANSP/CAR...	TRA...	09/2...
<u>2017DT...</u>	O...	Def...	CASILLAS RU...	03/0...	DRVG UNDE...	TRA...	09/2...
<u>2013TR...</u>	C...	Def...	CASILLAS RU...	03/0...	IMPROPER T...	TRA...	11/0...
<u>2013TR...</u>	C...	Def...	CASILLAS RU...	03/0...	FAIL TO STO...	TRA...	11/0...
<u>2009CF...</u>	C...	Def...	CASILLAS RU...	03/0...	MFG/DEL CO...	CRI...	10/0...
<u>2005TR...</u>	C...	Def...	CASILLAS RU...	03/0...	DRIVING ON...	TRA...	05/0...
<u>2005TR...</u>	Cl...	Def...	CASILLAS RU...	03/0...	SEAT BELT R...	TRA...	05/0...
<u>2004TR...</u>	C...	Def...	CASILLAS RU...	03/0...	OPERATE UN...	TRA...	03/2...
<u>2004TR...</u>	Cl...	Def...	CASILLAS RU...	03/0...	UNLICENSED	TRA...	03/2...
<u>2004TR...</u>	C...	Def...	CASILLAS RU...	03/0...	IMPROPER T...	TRA...	03/2...
<u>2004C...</u>	Cl...	Def...	CASILLAS RU...	03/0...	POSSESS CA...	CRI...	04/1...
<u>2003TR...</u>	Cl...	Def...	CASILLAS RU...	03/0...	IMPROPER T...	TRA...	04/2...
<u>2003TR...</u>	Cl...	Def...	CASILLAS RU...	03/0...	UNLICENSED	TRA...	04/2...
<u>2000O...</u>	C...	Def...	CASILLAS RU...	03/0...	CURFEW	ORD...	07/1...
<u>1999O...</u>	C...	Def...	CASILLAS RU...	03/0...	CURFEW	ORD...	11/1...
<u>1990FP...</u>	Cl...	Def...	CASILLAS RU...	N/A	CASILLAS RU...	Fami...	04/2...

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**Page - 1**



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A-28

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2/15/2018



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Parties

Offenses

Financials

Schedule

Events

Search End

**Case:** 2008CF000677      **Status:** Collection Notice      **Opened:** 03/31/2008  
**Title:** PEOPLE OF THE STATE OF ILLINOIS vs. RUBEN CASILLAS JR.  
**Type:** CRIMINAL FELONY      **Closed:** 05/29/2008

Offense Count	Date	Charge Description	Class	Disposition Date	Disposition	Sentence Date
1	03/28/...	POSS AMT CON SU...	4	05/29/...	Guilty	05/29/...

Sentence Description	Sentence Status
Probation	Sentence In Force
Fines and/or Cost/Penalties and...	N/A

Penalty Description	Amount
Probation	24 months

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