

NOTICE

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

2026 IL App (4th) 260595-U

NO. 4-26-0595

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

August 28, 2026
Carla Bender
4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Tazewell County
JOSE L. RETEGUIN,	)	No. 26CF235
Defendant-Appellant.	)	
	)	Honorable
	)	Christopher R. Doscotch,
	)	Judge Presiding.

JUSTICE DeARMOND delivered the judgment of the court.
Justices Knecht and Harris concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed, finding the trial court did not err in denying defendant pretrial release.

¶ 2 Defendant, Jose L. Reteguín, appeals the trial court's denial of his petition for relief pursuant to article 110 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/art. 110 (West 2024)). On appeal, defendant argues the court erred by finding (1) the proof was evident or presumption great that he committed a detainable offense, (2) he presented a risk of willful flight, and (3) no pretrial release conditions could mitigate that risk. We affirm.

¶ 3 I. BACKGROUND

¶ 4 Defendant was indicted for unlawful delivery of a controlled substance, a Class X felony (720 ILCS 570/401(a)(2)(D) (West 2024)). The bill of indictment alleged defendant knowingly delivered 900 grams or more of a substance containing cocaine. The State petitioned

to detain defendant prior to trial.

¶ 5

A. Pretrial Detention Hearing

¶ 6

During the detention hearing, the trial court took judicial notice of the pretrial investigation report and the affidavit of probable cause. According to the report, defendant scored a 5 out of 14 on the Virginia Pretrial Risk Assessment Instrument-Revised, which placed him at risk level 3, with an estimated failure rate of 14.9%. Defendant's criminal record consisted of convictions for misdemeanor driving under the influence in 2012, felony aggravated battery in 1998, and misdemeanor violating an order of protection in 1997. The record on appeal does not contain the probable cause affidavit.

¶ 7

The State proffered that a cooperating defendant informed law enforcement he "ha[d] been selling cocaine for 10 years," and he and defendant would travel to California to purchase cannabis, bringing approximate \$40,000 with them each time. Eventually, he began buying kilograms of cocaine from defendant at prices ranging from \$28,000 to \$34,000 per kilogram. Prior to his arrest, the cooperating defendant was purchasing "a couple kilos a month" from defendant at a rate ranging from \$17,000 to \$18,000 per kilogram. When the cooperating defendant was arrested, he asserted the wrapped kilogram of cocaine discovered in his possession had been purchased from defendant. At one point, defendant asked the cooperating defendant to "to try to get him an M249," which is "a fully automatic light machine gun."

¶ 8

The State proffered that several confidential informants spoke with law enforcement regarding defendant. In 2012, a confidential informant asserted defendant's family was "involved in the distribution of cannabis and cocaine," and defendant "was responsible for the distribution of most of the narcotics." The confidential informant saw three kilograms of cocaine in defendant's residence "on more than one occasion," and he had regularly purchased

cocaine from defendant during an eight-month period in 2011. The confidential informant traveled to Chicago with defendant twice because defendant's source received large shipments of narcotics. On both occasions, the confidential informant observed defendant "inspect a large amount of marijuana." The confidential informant was eventually arrested while traveling to and from another state with defendant to pick up a drug shipment containing "multiple kilos of cocaine."

¶ 9 In 2020, the Drug Enforcement Administration (DEA) conducted a money pickup, during which an undercover officer picked up \$42,980 from defendant. The money was believed to be drug proceeds related to an ongoing investigation. In 2025, the DEA conducted another pickup, during which a confidential informant met defendant in defendant's residence and received \$80,615.

¶ 10 The State's proffer listed six other interviews with different confidential informants, all of whom purchased cocaine from defendant, observed large amounts of cocaine in defendant's garage, or provided information to law enforcement regarding defendant's drug distribution activities. One confidential informant asserted defendant was one of "the main coordinators" of the family, while other siblings and cousins were tasked with transporting and selling the narcotics. Defendant was allegedly connected to a Mexican drug cartel.

¶ 11 The State further proffered that defendant had participated in multiple interviews with law enforcement beginning in 2021, during which he provided information regarding his brother and other family members who were involved in cocaine distribution. Defendant described each individual's role in their drug trafficking organization, identified an address in Peoria, Illinois, they used as a storage location "for multiple kilos of cocaine," and advised they would package the cocaine within car batteries to avoid detection. Defendant sought "legal

protection,” as well as “protection from cartel members in Mexico.” However, he “denied any involvement in narcotics.” Defendant remained in contact with a task force officer, providing information regarding individuals who were “moving bricks of cocaine,” were offering to sell him kilograms of cocaine, or had recently received shipments of cocaine. Defendant provided information regarding the location of his nephew, who was under indictment, had cut off his GPS monitor, and reportedly fled to Mexico.

¶ 12 The DEA obtained “a court-authorized pen register and trap and trace authorization,” which allowed them to monitor defendant’s phone calls and text messages to determine with whom he was communicating. From June 10, 2025, through September 28, 2025, defendant communicated with a Mexico-based phone number 672 times via WhatsApp and 86 times via phone calls and text messages. Federal law enforcement personnel identified the Mexico-based phone number as “a cocaine distributor *** and an international methamphetamine cook.” When arrested and confronted with the communications, defendant insisted they were not made for the purpose of purchasing drugs. The task force officer advised that defendant had never spoken of the individual or his dealings previously.

¶ 13 Cory Mitchell, a detective for the Pekin Police Department, testified he was a task force officer involved in the DEA investigation into defendant. Mitchell testified defendant had been removed from the United States multiple times under an alias. During an encounter at the United States-Mexico border, defendant possessed someone else’s driver’s license and passport, and defendant ultimately confessed they were not his documents.

¶ 14 Marlen Maria Teresa Velasco Marquez, defendant’s spouse, testified on defendant’s behalf with the aid of a court interpreter. She and defendant had been married for 15 years and had two children together. Velasco Marquez testified she would ensure defendant

complied with any court-imposed conditions if defendant received pretrial release, and she asserted she would turn defendant in if he violated any release conditions. Velasco Marquez testified defendant owned two restaurants, and she needed defendant to work to provide for their family. On cross-examination, Velasco Marquez insisted she never saw defendant possess cocaine or any other illegal drugs. Neither she nor defendant had permanent status in the United States. She testified she was waiting for her work permit, which she asserted would arrive in August 2026. Regarding defendant's brother's alleged cocaine distribution, Velasco Marquez said she would "hear things" when talking with family members, but she "[doesn't] really know what is happening" and she "keep[s] [herself] apart [from] those things."

¶ 15 Defense counsel proffered that no drugs or firearms were found in defendant's home, vehicle, or business. Counsel insisted the State's case was "all based on incentivized cooperator statements." Counsel emphasized defendant did not flee or resist when officers arrested him.

¶ 16 The trial court granted the State's detention petition. The court found defendant presented both a flight risk and a danger to the community, neither of which could be mitigated by pretrial release conditions. The court determined defendant posed a risk of willful flight due to the seriousness of the charged offense, a Class X felony that carried a minimum sentence of 15 years' imprisonment, and defendant's status as an undocumented immigrant, which raised the possibility of deportation and other immigration-related consequences if he was convicted. The court found defendant's drug distribution threatened the safety of the community based on the amount of cocaine defendant was charged with delivering, as well as his access to firearms. The court found no release conditions, such as GPS monitoring and home confinement, would mitigate those risks because such conditions would not prevent defendant from continuing to

deal drugs. The court did not find Velasco Marquez credible when she testified she would notify law enforcement if defendant violated any court-imposed release conditions.

¶ 17

B. Motion for Relief Hearing

¶ 18

On May 14, 2026, defendant filed a motion for relief, requesting the trial court revisit its pretrial detention decision. Defendant argued the State did not establish by clear and convincing evidence that the proof was evident or presumption great he committed the charged offense, or that he presented a flight risk that could not be mitigated by GPS monitoring and/or home confinement. The motion did not address the court's dangerousness finding.

¶ 19

On May 19, 2026, the trial court conducted a hearing on the motion. Defense counsel argued defendant did not pose a flight risk because, *inter alia*, he allegedly had a tracker on his vehicle, such that "[h]e found out that he was being followed and yet he did not try to flee." Counsel also emphasized defendant did not try to flee or resist officers when he was arrested, and he had not missed any court dates. Counsel further argued defendant did not pose a safety threat to the community, asserting he had "a severe lack of violent history," and no orders of protection had been taken out against him.

¶ 20

The trial court affirmed its decision to deny defendant pretrial release. It reiterated its skepticism regarding Velasco Marquez's ability to be a reliable third party custodian responsible for contacting law enforcement if defendant violated his release conditions because their family relied on him financially, and they were undocumented immigrants with "very tenuous status in the United States." The court found several factors indicated defendant was a flight risk, including the sentence he faced, his "tenuous immigration status," his prior use of an alias, his use of false documents while traveling internationally, his cooperation with law enforcement against his family members, "[t]he amount of money that was discussed," and his

ties to Mexico. The court observed that defendant's nephew had fled to Mexico after removing his ankle monitor while under indictment. The court determined defendant posed a safety threat to the community, based on the facts specific to the case, because the State's proffer included "multiple people mentioning weapons," defendant's Mexican cartel connections, allegations of defendant's family's long-term drug enterprise, and discussion of significant amounts of cocaine, as well as mentions of marijuana and methamphetamine. Finally, the court reiterated that release conditions would not mitigate defendant's risk of flight or his dangerousness because neither home confinement nor GPS monitoring would prevent him from selling drugs or coordinating his family's drug enterprise from his home, defendant's wife testified she needed him to return to work, and defendant had been in regular contact with a purported Mexican drug distributor while simultaneously allegedly cooperating with the government.

¶ 21 This appeal followed.

¶ 22 II. ANALYSIS

¶ 23 On June 29, 2026, we granted defendant’s counsel’s motion for leave to withdraw, which cited “a breakdown in the attorney-client relationship” impeding counsel’s ability to continue representing defendant. We extended the filing deadline for defendant’s supporting memorandum to July 21, 2026. No supporting memorandum was filed. Thus, defendant’s motion for relief will serve as his argument on appeal. See Ill. S. Ct. R. 604(h)(7) (eff. Apr. 15, 2024). The motion alleges the trial court erred by finding (1) the proof was evident or presumption great that defendant committed the charged offense, (2) defendant was a flight risk, and (3) no release conditions could mitigate any flight risk defendant posed. We disagree.

¶ 24 A. Standard of Review

¶ 25 Under section 110-6.1(e) of the Code (725 ILCS 5/110-6.1(e) (West 2024)), it is

presumed all criminal defendants are entitled to pretrial release. The State may seek a defendant's pretrial detention if he is charged with a detainable offense as enumerated in the Code and, after a hearing, the trial court finds his release would present "a real and present threat to the safety of any person or persons or the community, based on the specific articulable facts of the case," or he "has a high likelihood of willful flight to avoid prosecution." 725 ILCS 5/110-6.1(a)(1), (1.5), (8) (West 2024). The State must show "the proof is evident or the presumption great" that the defendant committed a detainable offense and no condition or combination of conditions can mitigate the safety threat or risk of flight defendant's release might pose. 725 ILCS 5/110-6.1(e)(1), (3) (West 2024). The State bears the burden of proving "by clear and convincing evidence that any condition of [pretrial] release is necessary." 725 ILCS 5/110-2(b) (West 2024). Where, as here, the court heard live testimony during the pretrial detention hearing, both the court's ultimate detention decision and any underlying factual findings are reviewed under the manifest-weight-of-the-evidence standard. *People v. Morgan*, 2025 IL 130626, ¶ 54.

¶ 26

B. Charged Offense

¶ 27

First, the trial court's determination that the proof was evident or presumption great that defendant committed the charged offense was not against the manifest weight of the evidence. We note defendant failed to include the probable cause affidavit in the appellate record. "[T]he appellant bears the burden of providing a reviewing court with a complete record sufficient to support his claims of error, and any doubts that arise from the incompleteness of the record will be resolved against the appellant." *People v. Lopez*, 229 Ill. 2d 322, 344 (2008).

¶ 28

Defendant was indicted for unlawful delivery of a controlled substance, a Class X felony (720 ILCS 570/401(a)(2)(D) (West 2024)). We can glean from the detention hearing transcript that the cooperating defendant was arrested, and a wrapped kilogram of cocaine was

discovered. The cooperating defendant advised he purchased the cocaine from defendant, and he subsequently described, in great detail, his connection to defendant and their involvement with drug distribution. The cooperating defendant had been purchasing cocaine from defendant for nine years. The State proffered, in part, that the cooperating defendant traveled with defendant to California and Mexico to purchase drugs at different times, and defendant would bring approximately \$40,000 to purchase multiple kilograms of drugs, including cannabis, cocaine, and methamphetamine. Defendant's supplier "was a male in Mexico." At the time of his arrest, the cooperating defendant was in the process of buying "ice methamphetamine" from defendant through his supplier. The supplier "would not ship less than 50 kilos at a time and was charging \$2,000.00 per kilo." Much of this was corroborated by federal authorities, who were also investigating defendant. The State's proffer, combined with the doubts raised by the probable cause affidavit's absence from the record, which we resolve against defendant, was more than sufficient to support the trial court's determination that the proof was evident or presumption great that defendant committed a detainable offense. See *Lopez*, 229 Ill. 2d at 344; 725 ILCS 5/110-6.1(e)(1) (West 2024).

¶ 29 C. Dangerousness and Willful Flight

¶ 30 Second, the State showed defendant posed both a real and present safety threat to the community and a risk of willful flight. Defendant's motion for relief does not address the trial court's dangerousness finding, but it argues he is not a flight risk because of his ties to the community, his minimal criminal history, his consistent court date attendance, and the fact that he neither fled nor resisted when he was arrested. However, the record indicates defendant has strong ties to Mexico, including a nephew who removed his GPS monitor while under indictment and reportedly fled to Mexico. Defendant has connections to a Mexican drug cartel, and he

communicated with a Mexico-based drug distributor hundreds of times during a three-month period while simultaneously cooperating with law enforcement. Notably, defendant did not inform his government contact of his communications with the distributor. Defendant had also been removed from the United States “several times” under a different name, from which we can deduce he has reentered the country illegally on a number of occasions. Additionally, defendant was charged with a Class X felony that carried a minimum sentence of 15 years’ imprisonment, and as an undocumented immigrant, he faces the possibility of deportation and other immigration-related consequences if he is convicted.

¶ 31 While defendant’s motion for relief did not address the trial court’s dangerousness determination, we briefly note the court’s finding was not against the manifest weight of the evidence. In finding defendant presented a danger to the community, the court cited the nature and circumstances of the offense and defendant’s access to weapons. See 725 ILCS 5/110-6.1(g)(1), (7) (West 2024). According to the State’s proffer, defendant was one of the primary coordinators of a drug distribution enterprise responsible for moving significant amounts of cocaine—far more than a personal use dealer or individual user would possess. Multiple confidential informants mentioned defendant’s access to firearms.

¶ 32 Based on the case’s specific circumstances, including the nature of the charged offense and defendant’s access to weapons, the trial court did not err in finding he presented a risk of willful flight and posed a safety threat to the community. See *Morgan*, 2025 IL 130626, ¶ 54; see also 725 ILCS 5/110-6.1(a)(1.5), (8), (g)(1), (7) (West 2024).

¶ 33 D. Release Conditions

¶ 34 Third, the record supports the trial court’s determination that no combination of release conditions would mitigate the risk of willful flight and safety threat defendant poses.

Regarding defendant's dangerousness, neither GPS monitoring nor home confinement would prevent defendant from obtaining and distributing drugs, as defendant could supervise and instruct other family members within the organization to carry out distribution operations. Confidential informants observed multiple kilograms of cocaine in defendant's residence and garage on more than one occasion. Confidential informants had also seen firearms in defendant's residence.

¶ 35 Defendant argues GPS monitoring and/or home confinement would mitigate his flight risk, but the State proffered that defendant has a history of international travel under dubious legal circumstances. During one incident, defendant presented documents at the United States-Mexico border that were not his, and he eventually admitted they belonged to someone else. Defendant had been removed from the United States multiple times under a different name. Defendant is an undocumented immigrant facing a Class X felony charge, which carries a minimum sentence of 15 years' imprisonment, as well as immigration-related consequences if he is convicted. Defendant has connections in Mexico, including a purported drug distributor, with whom he communicated hundreds of times over a three-month period, and his nephew, who had removed his GPS monitor while under indictment and allegedly fled to Mexico.

¶ 36 For these reasons, the trial court did not err in finding no pretrial release conditions would mitigate the safety threat and risk of willful flight defendant posed. See *Morgan*, 2025 IL 130626, ¶ 54; see also 725 ILCS 5/110-6.1(e)(3) (West 2024).

¶ 37 III. CONCLUSION

¶ 38 For the foregoing reasons, we affirm the trial court's judgment.

¶ 39 Affirmed.