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2026 IL App (3d) 250451-U

Order filed April 24, 2026

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

2026

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the Circuit Court of the 12th Judicial Circuit, Will County, Illinois,
Plaintiff-Appellant,)	
v.)	Appeal No. 3-25-0451
JOSEPH T. BELL,)	Circuit No. 25-DT-737
Defendant-Appellee.)	Honorable Colette Safford, Judge, Presiding.

JUSTICE DAVENPORT delivered the judgment of the court.
Justices Brennan and Bertani concurred in the judgment.

ORDER

¶ 1 *Held:* The officer had reasonable grounds to believe defendant was driving while under the influence of alcohol.

¶ 2 The State appeals the trial court's order granting the petition of defendant, Joseph T. Bell, to rescind the statutory summary suspension of his driver's license. The State argues the court erred in finding there were no reasonable grounds for the officer to believe defendant was driving while under the influence of alcohol. We reverse.

¶ 3

I. BACKGROUND

¶ 4

On July 28, 2025, defendant was charged with driving while under the influence of alcohol (DUI) (625 ILCS 5/11-501(a)(2) (West 2024)), driving 26 to 34 miles per hour in excess of the posted speed limit (*id.* § 11-601.5(a)), improper lane usage (*id.* § 11-709(a)), and driving without a safety belt (*id.* § 12-603.1). He was served with a statutory summary suspension of his driver's license for refusing to submit to chemical testing. Defendant filed a petition to rescind the suspension, arguing the officer did not have reasonable grounds to believe defendant was driving while under the influence. The following evidence was presented at the hearing on the petition.

¶ 5

Sergeant Robert Kaczmarczyk testified he was employed with the Illinois State Police. On July 28, 2025, at approximately 10:52 p.m., he was conducting patrol on the interstate when a vehicle passed him at a high rate of speed. He caught up to the vehicle, and his radar provided the vehicle was traveling at 97 miles per hour. The posted speed limit was 65 miles per hour. Kaczmarczyk followed the vehicle and observed it was unable to stay within its lane and failed to signal a lane change. Kaczmarczyk's dash camera video footage was admitted into evidence and showed these infractions. The video also showed the vehicle veering onto the right shoulder then crossing onto the left solid line while navigating an exit ramp. The vehicle weaved inside its lane, and at times drove on the lane divider, until Kaczmarczyk initiated the traffic stop. These infractions occurred over the span of approximately three minutes.

¶ 6

Kaczmarczyk testified he made contact with defendant, who was the driver of the vehicle. Kaczmarczyk's body camera footage was admitted into evidence. Kaczmarczyk approached defendant's closed passenger window, and the radio was playing loudly. Defendant lowered the window. While trying to obtain defendant's information, Kaczmarczyk had difficulty hearing and asked defendant to turn down the radio. Defendant reached for a knob on the media center and

spun it several times, but the volume did not change and defendant abandoned the task. Kaczmarczyk asked defendant if he knew why he was pulled over, and defendant asked Kaczmarczyk if he followed him on the ramp. Kaczmarczyk stated he had been following defendant before the ramp and observed defendant drive 97 miles per hour. Defendant stated he needed to turn the radio volume down and turned a knob on the media console. The volume did not decrease. Kaczmarczyk told defendant he was using the knob that controlled the fan and asked why he could not perform the simple task. Defendant responded he was unfamiliar with the vehicle as he had just purchased it. Defendant eventually located the volume control and turned down the radio. Kaczmarczyk asked defendant how much he had to drink and defendant stated he had not been drinking. Kaczmarczyk expressed disbelief, and defendant then stated he had consumed two beers with dinner three hours prior and talked with friends afterward. Kaczmarczyk testified he observed slurred speech, a strong odor of an alcoholic beverage, bloodshot and glassy eyes, and a thick tongue. He further testified the inside of the vehicle “smelt like a brewery.” He asked defendant to perform standardized field sobriety tests, which defendant declined, and Kaczmarczyk placed defendant under arrest. While at the police station, defendant declined chemical testing.

¶ 7 Kaczmarczyk testified, based on his 19 years of experience and training, there were reasonable grounds to place defendant under arrest for DUI. He noted he had thousands of previous encounters with individuals under the influence of alcohol. Here, the indicators of impairment included bloodshot and glassy eyes, the strong odor of an alcoholic beverage, slurred speech, the manner in which defendant answered questions, the admission of consuming alcoholic beverages, and the amount of time defendant stated he was at an establishment with friends just talking. Further, defendant could not follow directions and complete a basic task, such as turning the

volume on the radio down while holding a conversation. Kaczmarczyk noted this behavior was unusual as defendant should have recognized the volume was not decreasing. Kaczmarczyk stated these observations along with indicators of deceptiveness and defendant's driving prompted him to ask defendant to perform standardized field sobriety tests.

¶ 8 The State moved for a directed verdict, arguing Kaczmarczyk had reasonable grounds to arrest defendant. The court denied the motion, finding defendant met his initial burden of no reasonable grounds and the burden had shifted to the State. The State rested. The court granted the petition to rescind the statutory summary suspension, finding the video evidence demonstrated bad driving but bad driving itself was not an indicator of impairment. The court further found, while Kaczmarczyk may have had a hunch defendant was impaired based on the admission of consuming two beers and the traffic violations, it was insufficient to support the finding that Kaczmarczyk had reasonable grounds to arrest defendant for DUI. The State appeals.

¶ 9

II. ANALYSIS

¶ 10 The State argues on appeal that the court erred in finding defendant established a *prima facie* case and ultimately granting the rescission of defendant's statutory summary suspension because Kaczmarczyk had reasonable grounds to believe defendant was driving while under the influence. Defendant argues the court's decision was proper.

¶ 11 When a defendant receives notice of a summary suspension of his driver's license, he may request a hearing to rescind the suspension. 625 ILCS 5/2-118.1(b) (West 2024). "A statutory summary suspension hearing is a civil action where the defendant motorist, as the petitioner, requests the judicial rescission of a suspension, and the State is placed in the position of a civil defendant." (Internal quotation marks omitted.) *People v. Araiza*, 2020 IL App (3d) 170735, ¶ 15. Thus, defendant has the burden of establishing a *prima facie* case for rescission, and if successful,

the burden shifts to the State to justify the suspension. *People v. Helt*, 384 Ill. App. 3d 285, 287 (2008). A court’s determination of a *prima facie* case will not be reversed unless it is against the manifest weight of the evidence. *People v. Quigley*, 2018 IL App (1st) 172560, ¶ 21. A finding is against the manifest weight of the evidence where the opposite conclusion is clearly apparent, or its finding is unreasonable, arbitrary, or not based on the evidence. *People v. Sanchez*, 2021 IL App (3d) 170410, ¶ 25. As to the court’s ruling on the petition, we defer to the court’s factual findings but review the ultimate legal ruling on the petition *de novo*. *People v. Clayton*, 2014 IL App (4th) 130340, ¶ 17.

¶ 12 One of the bases for rescission includes “[w]hether the officer had reasonable grounds to believe that the person was driving *** while under the influence.” 625 ILCS 5/2-118.1(b) (West 2024). The court may utilize a probable cause analysis in these instances. *People v. Acevedo*, 2017 IL App (3d) 150750, ¶ 17. To determine whether probable cause existed, “the trial court must determine whether a reasonable and prudent person, having the knowledge possessed by the officer at the time of the arrest, would believe the defendant committed the offense.” *People v. Fortney*, 297 Ill. App. 3d 79, 87 (1998). This standard requires the officer to have more than a mere suspicion but need not rise to a level of evidence sufficient to convict. *People v. Fonner*, 385 Ill. App. 3d 531, 540 (2008). This determination is a practical, commonsense decision that requires consideration of the totality of the circumstances. *Illinois v. Gates*, 462 U.S. 213, 238 (1983).

¶ 13 Here, we conclude Kaczmarczyk had reasonable grounds to believe defendant was driving while under the influence of alcohol. We first note Kaczmarczyk’s testimony and the video evidence established defendant made several traffic violations. First, defendant drove at a dangerous and high rate of speed of 97 miles per hour whereas the posted speed limit was 65 miles per hour. Second, defendant made a lane change without signaling. Third, defendant drove over

and on the solid lines when making slight turns. Finally, defendant weaved within his lane on the roadway until Kaczmarczyk initiated the traffic stop. These infractions occurred in the span of approximately three minutes, which demonstrated the erratic nature of defendant's driving went far beyond a single or minor traffic infraction. This was an indicator of impairment.

¶ 14 The evidence established other indicators of impairment. Kaczmarczyk testified he smelled a strong odor of alcohol emanating from the inside of defendant's vehicle. Kaczmarczyk likened the smell to that of a brewery. Kaczmarczyk further testified defendant had slurred speech, bloodshot and glassy eyes, and a "thick tongue." Defendant initially told Kaczmarczyk he had not consumed any alcohol. He then relented and stated he had two beers, which led Kaczmarczyk to believe defendant was being deceptive. Lastly, defendant was unable to turn down the radio volume while responding to Kaczmarczyk's questions. Although unfamiliarity with the vehicle could explain why defendant reached for the wrong control knob, it does not explain why he repeatedly spun that knob and then abandoned the task altogether, leaving the volume too loud for defendant and Kaczmarczyk to hold a conversation.

¶ 15 Based on the totality of the circumstances, we conclude Kaczmarczyk had more than a mere suspicion defendant committed a DUI. To find otherwise would be unreasonable, arbitrary, and not based on the evidence presented. Therefore, the court's determination was against the manifest weight of the evidence, and the court erred in finding defendant established a *prima facie* case for rescission and ultimately granting the petition to rescind.

¶ 16 In coming to this conclusion, we note defendant argues the only indicators of impairment found by the court were bad driving and the admission to consuming alcohol. Defendant mentions the court's findings omitted any indicators of impairment as to defendant's physical appearance or demeanor, and therefore, the court must have found Kaczmarczyk's testimony not credible. The

record is unclear why the court did not discuss this evidence or make these findings. Nonetheless, we find no reason based on the record before us to disregard Kaczmarczyk's testimony.

¶ 17 As a final matter, defendant relies on *People v. Motzko*, 2017 IL App (3d) 160154, ¶ 20, to support his position the indicators of impairment were lacking in this case. In *Motzko*, this court provided examples to demonstrate when facts have been insufficient to support a finding of probable cause. One example provides:

“Where a defendant admitted to drinking, had the strong odor of alcohol on his breath, had bloodshot eyes, and slurred his speech, the trial court properly ruled that the officer lacked probable cause to arrest the defendant for DUI because any suspicions of impairment were not corroborated by other factors, such as poor driving, stumbling, falling, or an inability to communicate.” (Internal quotation marks omitted.) *Id.*

Here, the facts are inapposite as there were a number of indicators of impairment (*supra* ¶¶ 13-14), which were corroborated by several instances of unquestionably poor driving.

III. CONCLUSION

¶ 18 For the reasons stated, we reverse the judgment of the circuit court of Will County.

¶ 19 Reversed.