

California man seeks release in I-80 drug case

By Lisa Hammer

The Dispatch and The Rock Island Argus

Henry County Circuit Court Judge Jeffrey O'Connor on Monday affirmed an earlier ruling that evidence seized from a California man during a March 18 traffic stop on Interstate Route 80 must be suppressed.

Jose Beltran, 55, of Arbuckle, Calif., then asked to be freed while the state's attorney appeals the ruling to the 3rd District Appellate Court.

Mr. Beltran, charged with five Class X felonies after police allegedly found with 35 pounds of cocaine and 10 pounds of methamphetamine in his vehicle was being held on \$1 million bond as of Monday afternoon.

A clearly frustrated Judge

O'Connor on Monday reaffirmed his initial ruling for the defense, denying the state's motion to reconsider and again stated he wanted to see an appellate court ruling.

At issue is whether Mr. Beltran was free to leave or was in temporary custody at the traffic stop when a second state trooper talked to him. The judge said he was not pleased that there was no written consent for a search, that the battery for one trooper's audio equipment died and that the second trooper took off his coat that had a mic that would have recorded his conversation with the defendant.

The judge noted the first trooper ran his dog around Mr. Beltran's

tractor-trailer for probable cause more or less in the event Mr. Beltran's consent was not accepted by the court. He said the case "yells out" for a binding precedent from the appellate level.

"This is a new one. I want some black-letter-law-I don't care whether it is up or down." said Judge. "Hard and fast, no more games."

Defense attorney Larry Vandersnick said Mr. Beltran should remain in custody only if there are compelling reasons for it, but the judge said another hearing would be required to determine whether he should be released.