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***LAW ENFORCEMENT OFFICER***

***training case of the MONTH***

**By Don Hays**

 Month of May – 2025

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**LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH**

**Month of May - 2025 Case #1**

### People v. Emilio Chavez, 2025 IL App (1st) 221601, March 25, 2025.

**THE CASE:** The Police suspected that Chavez shot his drug supplier to death during an attempt to rob him. Chavez, who was 17 at the time of the murder, was 18 at the time he was interrogated. **Question #1:** Which form of *Miranda* warnings was Chevez by statute entitled to receive**? (Adult or Juvenile). Question #2:** What happens if he is given the wrong form of *Miranda* warnings**? Question #3:** Did the tactics used by the Officers in interrogating Chavez render his statements involuntary and unreliable**?**

**FACTS:** Seventeen-year-old defendant Emilio Chavez arranged to buy cannabis from Joshua Rayborn. The would-be transaction turned violent, and by Chavez’s own admission, he fatally shot Rayborn and walked away with about $2,000 worth of Rayborn’s cannabis. Chavez was arrested and interrogated exactly one month after the shooting. That was the day after his eighteenth birthday. Prior to his interrogation, the police advised Chavez of his *Miranda* rights. In so doing, because Chavez was 18 years old and, consequently, no longer a juvenile, the police used the adult form of the *Miranda* warnings rather the “simplified” juvenile version of the warnings. [It apparently never dawned on the Officers that the Juvenile Version of the *Miranda* warnings might be required.]. During his interrogation, Chavez made various incriminating statements. Thereafter, a jury rejected Chavez’s claim that Rayborn tried to rob him, rather than the other way around, and convicted him of first degree murder, on a theory of felony murder predicated on armed robbery.

**ARGUMENT:** Chavez argued on appeal that his custodial statements should have been suppressed, because the police failed to read him the simplified (Juvenile) version of the *Miranda* warnings the legislature has required for “minors.” Specifically, Chavez argued that the trial court erred in denying his motion to suppress his custodial statements because, under the facts of this case, he was statutorily entitled to receive the “simplified” version of the warnings. Further, Chavez argued that his statements were involuntary given because the police engaged in deceptive practices. Specifically, according to Chavez, they used the deceptive tactics of “minimization” and “maximization” on a youthful suspect.

**ISSUE #1:** Was Chavez entitled to the simplified version of the *Miranda* warnings provided in state law for juvenile offenders**? (Yes).**

**FINDINGS:** The appellate court declared that it was required to first decide, as a threshold matter, whether Chavez was entitled to the simplified version of *Miranda* warnings provided in state law for juvenile offenders. The Court then noted that it was undisputed that the officers did not provide defendant with these simplified *Miranda* warnings. According to the Court, the warnings must be given to any “minor, who at the time of the commission of the offense was under 18 years of age, \*\*\* while the minor is subject to custodial interrogation by a law enforcement officer.” 725 ILCS 5/103-2.1(a-5) There was no debate the “minor” must have been under age 18 at the time he committed the alleged offense; the statutes say that quite clearly. But what about the minor’s age at the time of the custodial interrogation? By using the word “minor,” did the General Assembly mean an individual under the age of 18 at the time of the custodial interrogation or under the age of 21? The People argued under 18; Chevez argued under 21. Further, the Court noted that this issue matters here because while Chevez was interrogated about a crime that occurred when he was under 18, his custodial interrogation began the day after he turned 18. So the statutory age cutoff makes all the difference in whether defendant was entitled to these simplified warnings.

The Court concluded that the Juvenile Court Act unambiguously defines a “minor” as an individual under the age of 21 for purposes of the simplified *Miranda* warnings. Chavez, who was 18 at the time of the custodial interrogation, was entitled to the simplified *Miranda* warnings for juvenile suspects. Further, the Court noted that at the time of his interrogation, Chavez was still entitled to be treated as a “minor.” This was because at that time he had not yet been charged with first-degree murder (an offense for which he would have been treated as an adult), and no petition had yet been filed to seek to transfer his case from the jurisdiction of the juvenile court to the adult court. The Court declared that when officers interrogate a minor in custody, they are in no position to know with certainty what will come of that interview. They certainly cannot know what crimes the State’s Attorney will charge, much less whether they will be crimes subject to an automatic or even discretionary transfer.

**ISSUE #2:** Should Chavez’s statements have been suppressed because the Police failed to provide him with the correct version of *Miranda***? (No).**

**FINDINGS:** The Court held that the simplified-*Miranda* provision of the Juvenile Court Act applied to defendant’s custodial interrogation, as he had not been charged with a crime qualifying him for automatic transfer at that time. It likewise held that, as defendant was under age 21 at the time of that interrogation, the officers were required to provide him those simplified warnings. Because officers did not provide defendant with the required simplified *Miranda* warnings, defendant’s custodial statement is “presumed to be inadmissible.” 725 ILCS 5/103-2.1(a-5). This presumption of inadmissibility “may be overcome by a preponderance of the evidence that the statement was voluntarily given and is reliable, based on the totality of the circumstances.” Id. § 103-2.1(f).

The Court began by noting that in determining whether a waiver of a suspect’s *Miranda* rights was voluntary, knowing, and intelligent, it would consider such factors as the suspect’s age, background, and intelligence; the conduct and statements of the interrogating officers; and the general conditions and length of the detention and interrogation. In this case, Chavez argued that his statements were involuntarily given due to his young age and the fact that he was sleep deprived during his interrogation. In response, the appellate court noted that the circumstances of Chevez’s interrogation were largely undisputed. He was arrested at night, while leaving his girlfriend’s house, and brought to an interview room at the station at roughly 11:45 p.m. The detectives allowed him to use the restroom and offered him a drink, which he declined. The interrogation commenced shortly after midnight and lasted just over 90 minutes. During that relatively brief time, as custodial interrogations go, defendant was again offered water, food, cigarettes, and use of the restroom. The detectives did not display any weapons, and there was no evidence of physical or mental abuse.

Further, the Court noted that although the detectives did not administer the juvenile *Miranda* warnings, they did read defendant his “adult rights.” And for what it’s worth, they went beyond the standard warnings, adding a clarification of an important point that many suspects likely do not fully understand: “If you chose to talk and then you want to stop talking later on you have that right, okay. You can just say, you know what? I don’t wanna talk anymore.” Defendant acknowledged that he understood this and every other aspect of the *Miranda* warnings. The day after his interrogation, when the detectives returned to the room with a state’s attorney, defendant invoked his *Miranda* rights and declined to make any further statements without counsel present. After considering the circumstances surrounding Chavez’s interrogation, the Court concluded that the factors weighing in his favor, his youth and the fact that the Officers read him the wrong *Miranda* warnings alone did not warrant suppression, as the overall circumstances tended to show, on balance, “an uncoerced choice and the requisite level of comprehension” required for a valid *Miranda* waiver and a voluntary confession.

**ISSUE #3:** Did the interrogation tactics used by the Officers render Chavez’s statements involuntary and unreliable**? (No).**

**FINDINGS:** Concerning this argument, the Court noted that Chavez first argued that the detectives deployed “maximization,” a category of “deceptive” tactics in which the police “exaggerate the strength of the evidence” and “emphasize the futility of denials.” These particular tactics were intertwined here. According to Chavez, the detectives’ overarching goal was to impress upon him that they would only “accept” one of two accounts of the shooting: it was either a robbery that went sideways or an intentional murder. But either way, it was futile for defendant to insist that he shot Rayborn in self-defense. And to cajole him into confessing to one (or both) of the preordained offenses, the detectives made “misleading comments about the nature of the evidence.” Second, Chavez complained that the detectives pervasively used “minimization,” a category of tactics “designed to elicit confessions by offering excuses or justifications, suggesting a less odious motivation, or shifting blame to a victim or accomplice.”

After analyzing the methods the Officers used to interrogate Chavez, the Court concluded that Chavez failed to show that the “maximization” and “minimization” tactics used by the Officers were the kind of tactics that were unduly likely to induce a false confession, rendering the confession unreliable. ***However,*** the Court cautioned that during their interrogation, the Officers came very close to promising leniency to Chavez in exchange for his statements. According to the Court, “The detectives came about as close as they could without actually extending a false promise of a specific benefit.” The Court intimated that had the detectives crossed that line, it would have been inclined to conclude that the conduct of the detectives rendered Chavez’s statements involuntary and unreliable.

**CONCLUSION:** The appellate court declared that because the People carried their burden of proving that Chavez gave his incriminating statement voluntarily, knowingly, and intelligently, and because the People proved that the statement was reliable, the confession was properly admitted, notwithstanding the police’s failure to read Chavez his simplified *Miranda* warnings.

**QUIZ QUESTIONS FOR THE MONTH OF MAY – 2025 Case #1**

### People v. Emilio Chavez, 2025 IL App (1st) 221601, March 25, 2025.

1. In Illinois, adults and juveniles are treated exactly the same when they are informed of their Miranda rights.

a. True.

 b. False.

2. Does the Illinois Juvenile Court Act define a “minor” as any person under 18 years of age?

a. Yes.

b. No.

3. In order to be able to use a juvenile’s statements in court, do the People have the burden of proving that those statements were voluntarily, knowingly and intelligently made and that the statements were reliable?

a. Yes.

 b. No.

4. According to the Court in this month’s case, an individual who was 18 years of age when they are suspected of having committed a criminal offense will be entitled to receive the “simplified” (Juvenile) version of the *Miranda* warnings.

### a. True.

###

b. False.

**QUIZ ANSWERS AND DISCUSSION FOR THE MONTH OF MAY – 2025 Case #1**

### People v. Emilio Chavez, 2025 IL App (1st) 221601, March 25, 2025.

1. In Illinois, adults and juveniles are treated exactly the same when they are informed of their Miranda rights.

 ***b. False.***  The Illinois Legislature has created a simplified version of the Miranda warnings for Juvenile suspects.

2. Does the Illinois Juvenile Court Act define a “minor” as any person under 18 years of age?

***b. No.*** It defines a “minor” as anyone under the age of 21 years. A “juvenile” is defined as any person under 18 years of age.

3. In order to be able to use a juvenile’s statements in court, do the People have the burden of proving that those statements were voluntarily, knowingly and intelligently made and that the statements were reliable?

***a. Yes.*** This is the finding of the Court in this month’s case.

4. According to the Court in this month’s case, an individual who was 18 years of age when they are suspected of having committed a criminal offense will be entitled to receive the “simplified” (Juvenile) version of the *Miranda* warnings.

***b. False.*** The Court held that a person under 21 years of age, when interrogated, must be given the simplified version of *Miranda* only if that person was under 18 years of age when the offense in question occurred.

**LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH**

**Month of May - 2025 - Case #2**

**People v. Gerald Dorsey, 2025 IL App (1st) 240933, March 31, 2025.**

**THE CASE:** Officers walked up to the car Dorsey was loading and spotted a partially concealed firearm in a box inside of the car and within easy reach of Dorsey. They immediately grabbed Dorsey and handcuffed him. Was Dorsey seized when he was grabbed and handcuffed? Was he arrested? If so, was the *Terry* seizure and arrest of Dorsey legal?

**FACTS:** Two Officers received a call from another Officer who was conducting surveillance on an unrelated matter. The surveillance Officer stated that he saw the defendant (Gerald Dorsey) walking between a residence and an SUV parked on the street, “just unloading boxes” and putting them in the back of the SUV. (In the BWC footage, Dorsey can later be heard claiming that his family had just been evicted from their apartment.). The only other elaboration in the record was that a responding Officer testified that the report he received was “of a man with a gun.” A responding Officer confirmed that he learned no other information from the surveillance Officer or from his own observation. [Strangely, the appellate court took great pains to show that no officer ever saw Dorsey do anything even remotely illegal. “We are emphatic on this point because, more than once in its briefs on appeal, the State claims that (the surveillance) Officer, in his call to a responding Officer, reported that he saw defendant remove a gun from his waistband and place it into a tote box in the back of the SUV. This rather important information may be contained within the police report, but it was not part of the evidence in this case. A responding Officer, the only witness, never testified to being told anything of this nature by the surveillance Officer or by anyone else. We cannot consider information that was not placed into evidence.]

In any event, the surveillance Officer called for assistance. The two responding Officers soon pulled up, in plain clothes and an unmarked car. They parked and walked briskly toward Dorsey, who was standing near the back of the SUV. The rear tailgate was open, but it seems from the BWC that Dorsey was in the process of closing it. As the officers approached, one Officer saw what looked like the handle of a gun sticking out of a tote box. The BWC confirmed that observation. It also confirmed that the officers immediately grabbed Dorsey, unequivocally seizing him from the very start of the encounter. And within seconds, they had moved him over to the police vehicle, where they handcuffed him. One Officer explained that Dorsey was handcuffed for two reasons. For one, there was a gun within “arm's reach” of him. That was obvious enough from the BWC. For another, when the officers grabbed defendant and pulled him away from the SUV, “it felt like he was trying to resist.” [Evidently, the trial court did not believe this second basis. After viewing the BWC footage, the court found that Dorsey did not resist the officers.]. According to one responding Officer, he did not consider Dosey to be under arrest at this time. He was seized, to be sure, as he was not free to leave, but the seizure was a *Terry* detention, in his view, not an arrest. As the Officer put it, Dorsey was “being detained for further investigation,” namely, to determine whether he was licensed to carry a gun. The officers removed the suspected gun and confirmed that it was both real and loaded. So they asked Dorsey if he had a FOID card or a CCL. Dorsey acknowledged that he had neither. At that point—no more than 30 seconds after he was first handcuffed—Dorsey was under arrest.

Dorsey argued in the trial court that he was arrested when he was handcuffed, almost immediately after his encounter with the police began, and that the mere possession of a gun no longer created probable cause for an arrest. Therefore, the firearm must be suppressed. The People countered that Dorsey was not arrested until the officers learned that he lacked a FOID card or CCL, at which point they had probable cause; the initial seizure was a brief *Terry* detention, with handcuffing for officer safety. The reason for the detention was to allow the officers to determine whether Dorsey had a valid firearms license. That was all the State said by way of articulating the reasonable suspicion necessary for a *Terry* stop. The trial court declared that because the police seized Dorsey before they discovered he had no FOID card or CCL, his seizure was illegal. From this ruling, the People brought this appeal.

**ISSUE #1:** **Was Dorsey seized or arrested when the Officers grabbed him and cuffed him up?**

**FINDINGS:** The appellate court concluded that it did not matter whether Dorsey was arrested or merely detained according to Terry. The Officers lacked the authority to either seize or arrest Dorsey based upon the circumstances of this case.

The People first claimd that the officers had reasonable suspicion for a *Terry* stop and, for that matter, probable cause to arrest, regardless of whether Dorsey had a CCL. As the People interpreted the statute governing unlawful possession of weapons, Dorsey was in violation of the law even if he had a CCL, so the Officers had at least reasonable suspicion, if not probable cause, without needing to know whether Dorsey was the holder of a CCL. According to the People, Dorsey was illegal in possession of the partially concealed firearm when the Officers seized him. [According to Dorsey, Section 24-1(a)(4)(iv) provides: “the criminal prohibition in subsection (a)(4) of section 24-1 does not apply to or affect transportation of weapons that meet one of the following conditions: (iv) are carried or possessed in accordance with the Firearm Concealed Carry Act by a person who has been issued a currently valid license under the Firearm Concealed Carry Act.” 720 ILCS 5/24-1(a)(4). The Firearm Concealed Carry Act (Concealed Carry Act), in turn, provides that a CCL holder, among other things, may “carry a loaded or unloaded concealed firearm, fully concealed or partially concealed, on or about his or her person.” 430 ILCS 66/10(c)(1). According to Dorsey, that exception described his conduct here (putting aside for the moment that he did not have a CCL). The firearm inside the tote box was partially concealed and, given that it was within arm's reach of Dorsey, was “about his person.”

The People argued, however, that the above cited exception did not apply in this case. They argued that the phrase “does not apply to or affect transportation of weapons” provides an exception only for the transportation of firearms, not the mere possession of them. Since Dorsey was not transporting the concealed firearm, the exception did not apply to him and the Officers were justified in conducting a *Terry* stop. The appellate court rejected this interpretation of the People and concluded that the phrases “apply to” and “affect transportation of” each independently modify the word “weapons.” Thus, the criminal prohibition in subsection (a)(4) does not “apply to \*\*\* weapons” or “affect transportation of weapons” “that meet one of the following conditions,” including compliance with the Concealed Carry Act. Dorsey reasoned that an individual with a CCL would be acting in compliance with the law under the facts known to the Officers at the time Dorsey was first seized. Therefore, the Officers did not have a reasonable suspicion to believe that he was violating Section 24-1(1)(4) of the Weapons statute.

**ISSUE #2:** **Did the Officers have sufficient probable cause to justify Dorsey’s arrest after they spotted the partially concealed firearm in the tot box?**

**FINDINGS:** Citing the case of People v. Bloxton, 2020 IL App (1st) 181216, the appellate court concluded that the mere possession of a firearm no longer automatically provides probable cause to support the arrest of the person possessing that firearm.

**ISSUE #3:** **Can the possession of a firearm be used to justify a *Terry* stop of the person possessing that firearm?**

**FINDINGS:** The appellate court declared that the possession of a firearm can sometimes assist in providing sufficient reasonable suspicion to justify a Terry stop of the possessor of the firearm. However, it eventually concluded that the possession of the firearm alone was no long enough to justify a detention of the person possessing that firearm.

**ISSUE #4:** **Did the possession of the firearm alone justify a *Terry* stop of Dorsey?**

**FINDINGS:** This appellate court concluded that the mere possession of a firearm alone will not justify a Terry stop of the possessor of the firearm to allow the officer an opportunity to determine whether the possessor of that firearm possesses a CCL. Specifically, the Court declared that “(c)onduct that, on its face, is nothing more than the exercise of a protected constitutional right cannot automatically subject a citizen to police detention. Because this right is subject to reasonable regulation, however, nothing prevents the police from inquiring, in a consensual encounter, into the status of the citizen's licensure. Or if the police have a valid, independent basis for an investigatory stop, the police may ask the individual if he or she possesses a CCL, and the license holder is required to disclose that he or she possesses a concealed firearm, present his or her license, and identify the firearm's location. 430 ILCS 66/10 (h). But the mere possibility that anyone with a gun might not have a valid license is not enough to justify a seizure. For that, the police must have specific and articulable reasons to believe that this person, observed in these circumstances, does not have a valid license—or that he is otherwise implicated in imminent criminal activity. According to this Court, the police, no doubt, will often present such reasons at a suppression hearing. But here they did not. They acted on nothing more than “a man with a gun” in public. And that alone is not—not any longer—a basis for a seizure or detention of any kind, *even if the officers were “understandably worried about the possibility of violence and want[ed] to take quick action” to avert it.*

**EDITOR’S NOTE:** In this case, the Officers acted promptly to secure the firearm and the suspect after discovering the concealed firearm. Ironically, in effect, the appellate court concluded that the Officers “jumped the gun” in so doing without first discovering additional grounds to justify a *Terry* seizure of Dorsey other than his mere possession of the firearm.

**CONCLUSION:** In this case, the appellate court affirmed the judgment of the circuit court which granted Dorsey’s motion to suppress.

**QUIZ QUESTIONS FOR THE MONTH OF MAY – 2025 – Case #2**

**People v. Gerald Dorsey, 2025 IL App (1st) 240933, March 31, 2025.**

1. A person is “seized” when he or she is arrested or is the subject of a *Terry* stop.

a. True.

 b. False.

2. In this case, Dorsey was immediately grabbed and placed in handcuffs after the Officers spotted a concealed handgun inside of the vehicle Dorsey was loading. Did the conduct of the Officers constitute a *Terry* seizure of Dorsey?

### a. Yes.

### b. No.

3. Could the Officers in this case legally have placed Dorsey under arrest based upon the presence of a partially concealed handgun inside the vehicle Dorsey was loading?

a. Yes.

b. No.

4. The Court in this case concluded that the fact that Dorsey possessed a firearm “about his person” was alone sufficient to justify his brief detention based upon a need of the Officers to protect themselves.

a. True.

 b. False.

**QUIZ QUESTIONS FOR THE MONTH OF MAY – 2025 – Case #2**

**People v. Gerald Dorsey, 2025 IL App (1st) 240933, March 31, 2025.**

1. A person is “seized” when he or she is arrested or is the subject of a *Terry* stop.

***a. True.*** As this Court in this case declared, “an arrest and a *Terry* stop are ‘seizures’ in which the individual is not free to leave \*\*\*.”

2. In this case, Dorsey was immediately grabbed and placed in handcuffs after the Officers spotted a concealed handgun inside of the vehicle Dorsey was loading. Did the conduct of the Officers constitute a *Terry* seizure of Dorsey?

### *a. Yes.* The Court concluded that Dorsey was, in fact, seized when he was grabbed and handcuffed. It simply determined that this *Terry* seizure was illegal under the circumstances of this case.

3. Could the Officers in this case legally have placed Dorsey under arrest based upon the presence of a partially concealed handgun inside the vehicle Dorsey was loading?

***b. No.*** Citing the case of People v. Bloxton, 2020 IL App (1st) 181216, the appellate court in this case concluded that the mere possession of a firearm no longer automatically provides probable cause to support the arrest of the person possessing that firearm.

4. The Court in this case concluded that the fact that Dorsey possessed a firearm “about his person” was alone sufficient to justify his brief detention based upon a need of the Officers to protect themselves.

 ***b. False.*** The Court in this case declared that the Officers acted on nothing more than a call about “a man with a gun” in public. And that alone was not—not any longer—a basis for a seizure or detention of any kind. This was the case even if (according to the Justices) the officers were understandably worried about the possibility of violence and want[ed] to take quick action” to avert it.