***ILLINOIS PROSECUTOR SERVICES, LLC***

PO Box 722, Carlinville, IL 62626

Phone: (217) 854-8041 Fax: (217) 854-5343

Website: [www.ipsllconline.com](http://www.ipsllconline.com)

E-mail: don@ipsllconline.com

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***LAW ENFORCEMENT OFFICER***

***training case of the MONTH***

**By Don Hays**

 Month of August – 2025

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

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

### People v. Michelle A. Beard, 2025 IL App (5th) 230522, June 16, 2025.

**THE CASE:** Following a traffic stop, an Officer noticed a container of cannabis in the center console of the stopped car. Did the discovery of this container justify a warrantless search of the suspect car? Was a package discovered during the search of the car legally opened and searched?

**FACTS:** Beard was a passenger in a rental vehicle driven by her boyfriend. A Deputy Sheriff initiated a traffic stop after he noticed their vehicle had been traveling 6 miles per hour (mph) over the 70-mph speed limit. During the traffic stop, the Deputy detected the odor of cannabis coming from the car and could see a container of cannabis in the center console of the vehicle. A small amount of cannabis was in a resealable container and the Deputy noticed that the seal on the container was broken. The boyfriend was asked to exit the vehicle, the Deputy completed a pat-down of him, and then the Deputy questioned the boyfriend while they sat inside of the Deputy's patrol vehicle. After questioning the boyfriend, the Deputy approached Beard, who had remained in the passenger seat of the stopped vehicle. After a brief discussion with the Beard, the Deputy proceeded to search the vehicle. The Deputy looked under the carpet of the passenger area and discovered a large envelope. The Deputy then opened the envelope and discovered that it contained methamphetamine and fentanyl pills. Once the contraband was discovered, Beard and her boyfriend were then read their Miranda rights and arrested.

Beard was charged by information with numerous drug offenses. Her defense counsel filed a motion to suppress evidence and argued that there was no legal basis to conduct the search of the vehicle after discovering an “unsealed” cannabis container, and that the Deputy lacked probable cause to believe that additional evidence of a crime would be discovered during a search. Additionally, the defense argued that the traffic stop was transformed into a custodial interrogation without *Miranda* warnings. Beard had been separated from her boyfriend, who was questioned in the patrol car, and Beard was not permitted to leave. Beard was read her Miranda rights only after she had been interrogated while sitting in the vehicle. The defense sought to suppress all statements made by the boyfriend and the defendant, beginning with the boyfriend exiting the vehicle. The People argued that the Deputy had probable cause to search the vehicle for contraband after he smelled raw cannabis and was able to see a jar of unsealed cannabis. The odor and observation of cannabis was indicative of criminal activity which justified the probable cause search of the vehicle and any containers that had a reasonable likelihood of containing cannabis. The People additionally argued that the questioning of the passengers was routine police procedure and did not amount to a custodial stop for purposes of *Miranda*.

The circuit court ultimately found that the Deputy had probable cause to search the rental vehicle based on the odor of cannabis and the unsealed jar of cannabis. The court additionally found that the Deputy was continuing his traffic stop when the boyfriend was invited into the patrol car and was questioned and that neither suspect was under arrest or in custody (for purposes of *Miranda*) at the time their statements were given. The motion to suppress was, therefore, denied. A jury found Beard guilty as charged. This appeal followed.

**ARGUMENT:** On appeal, Beard argued that the circuit court erred in denying her motion to suppress evidence where the Deputy lacked probable cause to search the vehicle, to open the envelope found during that search, and to search the boyfriend's person, thereby effectuating a seizure.

**ISSUE #1: Did the Deputy legally stop the suspect vehicle**?

**FINDINGS:** In this case, the appellate court concluded that the Deputy pulled over the vehicle in which Beard was a passenger, based on an observed speeding violation pursuant to section 11-601 of the Illinois Vehicle Code (625 ILCS 5/11-601). Beard conceded that the Deputy had reasonable suspicion to conduct an investigatory stop of the vehicle based on the speeding violation. However, the Court also noted that stopping a vehicle for a minor traffic violation alone does not generally justify a warrantless search of a vehicle.

**ISSUE #2: Did the Deputy legally conduct a warrantless search of the suspect vehicle based upon the Deputy detecting the odor of cannabis and observing cannabis in a container with a broken seal inside the suspect vehicle**?

**THE LAW:** Searches conducted without prior approval by a judge or magistrate are generally considered unreasonable under the fourth amendment with only a few specific and clearly defined exceptions. A warrantless search of an automobile is one such exception, due to the vehicle's transient nature and the challenge of obtaining a warrant before it can leave the jurisdiction. Probable cause is required to conduct a search of a vehicle without a search warrant. Probable cause is determined by the totality of the facts and circumstances known to the officer at the time of the search that would justify a reasonable person to believe that the vehicle contains contraband or evidence of criminal activity. An action is “reasonable” under the fourth amendment, “ ‘as long as the circumstances, viewed objectively, justify [the] action’ ” regardless of the state of mind of the officer. “[I]n deciding whether probable cause exists, a law enforcement officer may rely on training and experience to draw inferences and make deductions that might well elude an untrained person.”

Since January 1, 2020, use and possession of cannabis has been legally permitted, with specific restrictions. “Regardless of recent changes in the law legalizing possession of small amounts of cannabis, there are still, among other things, (1) illegal ways to transport it, (2) illegal places to consume it, and (3) illegal amounts of it to possess.” The Illinois Vehicle Code prohibits drivers and passengers from possessing cannabis within any area of any motor vehicle upon a highway in Illinois “except in a secured, sealed or resealable, odor-proof, child-resistant cannabis container that is inaccessible.” The Cannabis Regulation and Tax Act “does not permit any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for engaging in \*\*\* possessing cannabis \*\*\* in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed or resealable container and reasonably inaccessible while the vehicle is moving.” “The odor of raw cannabis coming from a vehicle being operated on an Illinois highway, alone, is sufficient to provide police officers, who are trained and experienced in distinguishing between burnt and raw cannabis, with probable cause to perform a warrantless search of a vehicle.” According to the Cannabis Regulation and Tax Act, “[a]ny product containing cannabis shall be sold in a sealed, odor-proof, and child-resistant cannabis container consistent with current standards.”. Also, “[a]ll cannabis-infused products shall be individually wrapped or packaged at the original point of preparation.” If an officer is able to smell raw cannabis in a vehicle stopped on the highway, then it is logical for that officer to suspect that there is cannabis in the vehicle that is not properly contained.

**FINDINGS:** The Court noted that the Deputy repeatedly stated that the probable cause search was based on the fact that the cannabis container had a “broken seal.” However, the Court noted that a broken seal on such a container alone may not provide probable cause to search a vehicle if the cannabis was in a “resealable” container. The Court further noted, however, that the Deputy was able to smell raw cannabis during the traffic stop and the trial court considered the Deputy's testimony to be credible at the time of that hearing. The Court concluded that the odor of raw cannabis provides a reason for an officer to suspect that cannabis has not been stored properly in a vehicle traveling on a highway. Therefore, according to the Court, the Deputy’s discovery of the container of cannabis in the suspect vehicle plus the detection of the odor of cannabis was sufficient to justify a warrantless search of the suspect vehicle.

**ISSUE #3: Was the cannabis in this case illegally transported**?

**FINDINGS:** With respect to this issue, the Court declared that regardless of the detection of the odor of cannabis, the Deputy observed the cannabis container located in the center console of the vehicle. Therefore, the Court declared that, in this case, the container was not stored properly because it was not “reasonably inaccessible while the vehicle [was] moving.” The Deputy testified that while the boyfriend was seated in the driver's seat, he was able to lift the container from the center console area. Raw cannabis was visible inside of the container. Therefore, the container was improperly kept within reach of the driver and the passenger. For this reason, they both possessed cannabis that was not inaccessible, which was an “illegal way[ ] to transport it.” This also provided the Deputy with the authority to conduct a warrantless search of the suspect vehicle.

**ISSUE #4: Did the Deputy’s authority to search extend to the package found inside of the suspect car?**

**THE LAW:** “If probable cause justifies the search of a lawfully stopped vehicle, it justifies the search of every part of the vehicle and its contents that may conceal the object of the search.” “The scope of a warrantless search under the automobile exception ‘is defined by the object of the search and the places in which there is probable cause to believe that it may be found.’ ” Therefore, if an officer has probable cause to search a vehicle for cannabis, then the officer is permitted to search any container that could reasonably contain improperly stored cannabis.

**FINDINGS:** The Deputy located a package that had a weight to it under tampered floorboard carpeting on the passenger side of the suspect vehicle. According to the Court, it was reasonable for the Deputy to believe that the hidden package contained a form of cannabis accessible to the defendant during transport.

**CONCLUSION:** The appellate court concluded that, under the circumstances of this case, the search of the suspect vehicle and the envelope did not violate the protections of the Fourth Amendment.

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

**People v. Michelle A. Beard, 2025 IL App (5th) 230522, June 16, 2025.**

1. The “automobile exception” to the warrant requirement allows for the warrantless search of automobiles under certain limited circumstance.

a. True.

 b. False.

2. In this case, the arresting officer noticed that the seal of the container that contained the cannabis had been broken. Did the fact that the container had a broken seal automatically justify a warrantless search of the suspect car?

a. Yes.

 b. No.

3. The arresting officer noticed that the container containing the cannabis had been place in the center console of the suspect car. Did the location of the container matter in determining whether the cannabis had been illegal transported?

a. Yes.

b. No.

4. Beard complained that because the searching officer was unaware of exactly what the concealed package contained, the Officer was not authorized to conduct a warrantless search of that package. The appellate court agreed with this argument.

### a. True.

###

b. False.

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

**People v. Michelle A. Beard, 2025 IL App (5th) 230522, June 16, 2025.**

1. The “automobile exception” to the warrant requirement allows for the warrantless search of automobiles under certain limited circumstance.

***a. True.*** As the Court held in this case, “Searches conducted without prior approval by a judge or magistrate are generally considered unreasonable under the fourth amendment with only a few specific and clearly defined exceptions. A warrantless search of an automobile is one such exception, due to the vehicle's transient nature and the challenge of obtaining a warrant before it can leave the jurisdiction.

2. In this case, the arresting officer noticed that the seal of the container that contained the cannabis had been broken. Did the fact that the container had a broken seal automatically justify a warrantless search of the suspect car?

 ***b. No.*** The Court noted that, “a broken seal alone may not provide probable cause to search a vehicle if the cannabis was in a “resealable” container.

3. The arresting officer noticed that the container containing the cannabis had been place in the center console of the suspect car. Did the location of the container matter in determining whether the cannabis had been illegal transported?

***a. Yes.*** The Court ruled that the statutes authorizing the transportation of cannabis requires that the cannabis containers be inaccessible to the occupants of the car. Therefore, where the cannabis is located may determine whether the cannabis was illegal transported.

4. Beard complained that because the searching officer was unaware of exactly what the concealed package contained, the Officer was not authorized to conduct a warrantless search of that package. The appellate court agreed with this argument.

***b. False.***  The appellate court held that “it was reasonable for the Deputy to believe that the hidden package contained a form of cannabis accessible to the defendant during transport.” Therefore, the warrantless search of the hidden package was legal.

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

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

**People v. Rey Martinez-Galarza, 2025 IL App (2d) 240352, April 29, 2025.**

**THE CASE:** Martinez-Galarza was stopped for an equipment violation. After completing a warning ticket, the Officer explained that the ticket was being issued for an equipment violation and not for speeding. While explaining, the Officer detected the odor of alcohol on Martinez-Galarza. Was this explanation part of the “mission” of the detention?

**FACTS:** Following a traffic stop, Martinez-Galarza was arrested and charged with DUI. Martinez-Galarza then moved to suppress the evidence the Arresting Officer gathered during the traffic stop. At the suppression hearing, the Arresting Officer (Officer) testified that on the day in question, at approximately 9:45 p.m., while on routine patrol, he observed a motor vehicle driven by Martinez-Galarza. The vehicle did not have an operating registration light. The Officer followed the vehicle for one or two minutes before pulling it over. The Officer described Martinez-Galarza's driving as “fine.” The Officer approached the passenger's side of the vehicle and spoke with Martinez-Galarza, who was seated in the driver's seat. The Officer then returned to his vehicle to prepare a written warning and issue it to Martinez-Galarza. When he finished preparing the warning, he approached the driver's side of Martinez-Galarza's vehicle to issue the warning and return Martinez-Galarza's driver's license. However, without first returning the license or issuing the warning, the Officer asked Martinez-Galarza a series of questions. At some point, Martinez-Galarza stepped out of the vehicle. The Officer did not ask him to do so. The Officer then requested assistance from a Spanish-speaking officer. After that officer arrived, Martinez-Galarza submitted to a series of field sobriety tests. The Officer ultimately arrested defendant for DUI.

On cross-examination by the City, the Officer testified that, when he approached the passenger side of defendant's vehicle after pulling it over, he asked defendant for his driver's license and proof of insurance. Instead of producing a driver's license, defendant handed Czarnecki a State of Illinois identification card. When the Officer approached the driver's side of Martinez-Galarza's vehicle after preparing the written warning, he spoke to Martinez-Galarza. The Officer testified: “On that \*\*\* approach after speaking with [defendant], I noticed the odor of an alcoholic beverage coming from his person and then also what I believed to be him—smell of a jalapeno coming from his breath.” The Officer described the odor of alcohol as “fairly strong.” The Officer asked the defendant if he had had anything to drink. Martinez-Galarza admitted drinking one or two beers at a friend's house. Martinez-Galarza asked why the Officer had stopped him. According to the Officer, he reminded Martinez-Galarza several times that he stopped him because the registration light was not illuminated but “for whatever reason[,] [defendant] believed that it was for speeding even though [the Officer] never indicated that it was for speeding.” While speaking with Martinez-Galarza, the Officer noticed that Martinez-Galarza's speech sounded “slurred and mumbled.”

In announcing its ruling, the trial court explained that there was no dispute that the initial traffic stop was lawful because the Officer observed an equipment violation. The court noted that, although the Officer testified that Martinez-Galarza's speech was slurred and mumbled, the court did not notice any issues with defendant's speech in the body-camera video that had been introduced. The court stated that, once the purpose of a traffic stop is completed, “there must be probable cause to further detain.” Thus, the court framed the dispositive question as “whether or not there was probable cause to detain the defendant for driving under the influence.” Concluding that “there was no probable cause to detain the defendant past the point of the initial stop,” the court granted Martinez-Galarza's motion to quash and suppress. Specifically, the court declared that the Officer unreasonably extended the duration of Martinez-Galarza’s detention by explaining to him the purpose of the warning ticket that was being issued. From this ruling, the People brought this appeal.

**ISSUE #1:** Did the Circuit Court err in concluding that the Officer unreasonably extended the duration of Martinez-Galarza’s detention by explaining the purpose of the warning ticket?

**THE LAW:** There are three tiers of police-citizen encounters: (1) an arrest of a citizen, which must be supported by probable cause; (2) a temporary investigatory seizure conducted pursuant to *Terry v. Ohio*, 392 U.S. 1 (1968), where an officer may conduct a brief, investigatory stop of a citizen when the officer has a reasonable, articulable suspicion of criminal activity and such suspicion amounts to more than a mere ‘hunch’; and (3) police-citizen encounters that are consensual, which involve no coercion or detention and do not implicate any fourth amendment right. A traffic stop is considered more analogous to a temporary investigative seizure (i.e., a Terry stop) than to a formal arrest. The traffic stop can become unlawful “if it is prolonged beyond the time reasonably required to satisfy its initial purpose” The United States Supreme Court has observed that “the tolerable duration of police inquiries in a traffic-stop context is determined by the seizure's ‘mission’—to address the traffic violation that warranted the stop.” According to the Court, ‘[a]uthority for the seizure thus ends when tasks tied to the traffic infraction are—or reasonably should have been—completed.’

In a routine traffic stop, the officer's mission includes not only deciding whether to issue a ticket, but also activities such as “checking the driver's license, determining whether there are outstanding warrants against the driver, and inspecting the automobile's registration and proof of insurance.” Although an officer may also conduct checks unrelated to the traffic stop's mission, “he may not do so in a way that prolongs the stop, absent the reasonable suspicion ordinarily demanded to justify detaining an individual.” Moreover, “[w]hile reasonableness requires diligence in completing a traffic stop, it does not require inhuman, machine-like efficiency, such that the traffic stop is completed as fast as possible, down to the second.” Although a detention ordinarily must end when the purpose of the traffic stop has been completed, it may be extended if, before the tasks associated with the stop are completed, the officer develops a reasonable suspicion that a different crime has been or is being committed. The strong odor of alcohol emanating from a motorist during a traffic stop, coupled with the motorist's admission to consuming alcohol, gives rise to a reasonable suspicion that the motorist committed DUI.

**ISSUE:** In this case, according to the Officer, Martinez-Galarza's breath had the odor of alcohol, and he admitted having consumed one or two beers. Thus, the Officer had reasonable suspicion that Martinez-Galarza had committed DUI; the dispositive question was whether that suspicion arose while Martinez-Galarza was still properly detained?

**ARGUMENTS:** The City argued that the trial court erred in concluding that the Officer's conversation with Martinez-Galarza, after completing the written warning but before delivering it to him and returning his identification card, improperly prolonged the stop. Martinez-Galarza argued in response that the purpose of the stop was completed when the Officer returned to Martinez-Galarza's vehicle with the written warning. According to Martinez-Galarza, the Officer thereafter improperly prolonged the stop by questioning Martinez-Galarza to ensure that he understood the purpose of the warning.

**SUB-ISSUE:** Did the Officer unreasonably prolong this detention by explaining the purpose of the warning ticket?

**FINDINGS:** The appellate court noted that an officer's mission in a traffic stop includes checking the motorist's license and conducting a warrant search on the suspect. Illinois courts have held that, once these tasks have been completed, “ ‘if no further suspicion is aroused, the traffic stop must cease, and the individual should no longer be detained.’ The police officer should then issue a warning ticket and allow the driver to continue on his way.” The question that remained, however, was precisely what activities fall within the scope of “issuing” a written warning. Must the officer simply deliver the warning and tell the motorist that he is free to go? Or does the task of issuing a written warning include attempting to ensure that the motorist understands the warning? The Court admitted that it had found no Illinois decision specifically addressing this issue, but courts in other jurisdictions generally appear to favor the latter view.

In this case, the appellate court declared that it agreed with those courts that have held that explaining a written warning to a motorist is a proper part of the process of issuing the warning. In Rodriguez v. United States, 575 U.S. 348, 355, (2015), the United States Supreme Court explained that the ordinary inquiries incident to a traffic stop (i.e., checking the motorist's license and proof of insurance, the vehicle's registration, and the existence of any warrants for the motorist's arrest) “serve the same objective as enforcement of the traffic code: ensuring that vehicles on the road are operated safely and responsibly.” This Court then concluded that the act of explaining to a vehicle owner, who was present at a traffic stop, that his vehicle did not comply with legal requirements falls within this objective.” Here, it was appropriate for the Officer to attempt to ensure that Martinez-Galarza understood that the inoperative registration light on his vehicle violated legal requirements, thus alerting him to the need for bringing the vehicle into compliance.

Applying these principles to this case, the Court noted that, when the Officer returned to Martinez-Galarza's vehicle after preparing the written warning, he initiated a discussion about the reason for the warning. The discussion lasted roughly one minute, during which Martinez-Galarza questioned why the Officer stopped him when he was not speeding, while others on the road were. This was a reasonable amount of time for the Officer to attempt to convey that the warning was for an equipment violation, not a moving violation. Doing so served the purpose of enabling Martinez-Galarza to bring his vehicle into compliance with the law. Immediately after trying to explain the reason for the warning, the Officer asked Martinez-Galarza if he had had anything to drink. According to the Officer's testimony, he did so because he noticed the strong odor of alcohol coming from Martinez-Galarza's person. Given the sequence of events, it is evident that the Officer noticed the odor of alcohol while attempting to explain the reason for the warning. The Court concluded that at that point, the mission of the original stop had not been completed. Thus the Officer did not unreasonably prolong Martinez-Galarza’s detention.

**CONCLUSION:** The appellate court reversed the trial court’s judgment granting Martinez-Galarza’s motion to suppress.

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

**People v. Rey Martinez-Galarza, 2025 IL App (2d) 240352, April 29, 2025.**

1. A traffic stop is considered by the courts to be more similar to a formal arrest rather than to a *Terry* detention.

a. True

 b. False.

2. Can the conduct of an Officer turn an otherwise legal traffic stop into an illegal detention?

### a. Yes.

### b. No.

3. Illinois courts have concluded that once the “mission” of the traffic stop has been concluded, the Officer should end the detention and inform the suspect that he or she is free to leave.

a. True.

### b. False.

4. Considering the facts of this case, was it proper for the Officer to delay releasing the suspect while the Officer explained the purpose of a warning ticket?

a. Yes.

 b. No.

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

**People v. Rey Martinez-Galarza, 2025 IL App (2d) 240352, April 29, 2025.**

1. A traffic stop is considered by the courts to be more similar to a formal arrest rather than to a *Terry* detention.

 ***b. False.*** The Court held that, “A traffic stop is considered more analogous to a temporary investigative seizure (i.e., a Terry stop) than to a formal arrest.”

2. Can the conduct of an Officer turn an otherwise legal traffic stop into an illegal detention?

### *a. Yes.* If the conduct of the Officer unreasonably extends the duration of the stop, a legal traffic stop may turn into an illegal detention.

3. Illinois courts have concluded that once the “mission” of the traffic stop has been concluded, the Officer should end the detention and inform the suspect that he or she is free to leave.

***a. True.*** This is the declaration of the Illinois Courts.

4. Considering the facts of this case, was it proper for the Officer to delay releasing the suspect while the Officer explained the purpose of a warning ticket?

***a. Yes.*** The Court held, “Here, it was appropriate for the Officer to attempt to ensure that Martinez-Galarza understood that the inoperative registration light on his vehicle violated legal requirements, thus alerting him to the need for bringing the vehicle into compliance.”