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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

By Don Hays

Month of January – 2021 Premier

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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH-Case #1

Month of January - 2021

People v. Lonnie Wilson, 2020 IL App (3d) 180024, December 7, 2020.

THE CASE: Based on the mistakenly belief that Wilson’s car had no rear license plate; an Officer stopped Wilson’s car. After discovering his mistake, could the Officer still legally demand to see Wilson’s driver’s license?

FACTS: The arresting Officer stopped Wilson's car for failing to have a rear registration plate. After making the stop, the Officer noticed that Wilson had a valid, Iowa temporary registration sticker in his rear window. Notwithstanding this knowledge, the Officer requested Wilson's driver's license and proof of insurance. Wilson's driver's license was suspended. During a subsequent search of Wilson's car, a gun and a substance suspected to be cocaine were found. Wilson was charged with the Class X felony of unlawful possession of a controlled substance with intent to deliver.

Wilson filed a motion to suppress evidence, arguing that the initial stop of his vehicle was unlawful, his prolonged detention by the Officer requesting his driver's license was unlawful, and his subsequent arrest was unlawful. The trial court found the traffic stop was lawful because the vehicle's registration was not visible after dark to a stationary police vehicle.

The trial court further found that the Officer did not have the right to investigate Wilson after he had made the stop and noticed the valid, temporary registration sticker in the rear window. The trial court found that the license plate light was also malfunctioning but there was no probable cause to support a stop (or prolong the stop) on that basis because no license plate was affixed to the area where the license plate light would illuminate it.

The trial court granted the motion to suppress because there was not an “effective Terry stop” at the point of when the Officer asked for Wilson's driver's license. The People then brought this appeal.

ISSUE: Did the trial court legally grant Wilson’s motion to suppress?

THE LAW: The Fourth Amendment of the United States Constitution and article I, section 6, of the Illinois Constitution of 1970 protect individuals from unreasonable searches and seizures. The Fourth Amendment provides that the federal government shall not violate “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” The due process clause of the Fourteenth Amendment of United States Constitution extends this constitutional guarantee to searches and seizures conducted by State officials.

Vehicle stops must comply with the Fourth Amendment's reasonableness requirement set forth in Terry v. Ohio, 392 U.S. 1. Under Terry, an officer may conduct a brief investigatory stop where he “reasonably believes that the person has committed, or is about to commit, a crime.” A lawful seizure “can become unlawful if it is prolonged beyond the amount of time reasonably required to complete the [stop's] mission.”

SUB-ISSUE #1: Was the initial stop of Wilson legal?

ARGUMENT: Wilson argued that the trial court erred in ruling that the Officer had sufficient grounds to stop his vehicle. Wilson acknowledged that the trial court found the Officer to be credible in his testimony that he could not see the temporary registration until after he had stopped Wilson's vehicle, but he argued the finding was against the manifest weight of the evidence.

He argued that the video of the traffic stop shows “a white object” in the rear window of his car to the Officer activating his emergency lights and that the registration becomes “clearly evident once the distance between the two vehicles is shortened in the seconds after the deputy activated his emergency lights.” He also contended that it was “illogical” to find the Officer's testimony that he was not able to observe “a large white piece of paper on the rear windshield” credible when the Officer was able to observe “small details” of air fresheners hanging from the rearview mirror, a cracked taillight that had red tape affixed to it, and an inoperable registration light.

FINDINGS: The appellate court noted that the Officer testified that he did not see the valid temporary registration sticker in the rear window until after he stopped Wilson's car. In addition to the Officer's testimony, the trial court also reviewed the video of the traffic stop in this case. The appellate court held that the trial court's determination regarding the Officer's credibility was not against the manifest weight of the evidence.

Specifically, the Court noted that while it could have been clear that a white piece of paper was attached to the rear window prior to the stop, the officer's testimony indicated that it appeared that Wilson's vehicle did not have a valid registration until after defendant had been stopped.

The Court concluded that on this evidence it would not reverse the trial court's finding that the Officer did not see a valid registration on Wilson's car prior to the stop. Consequently, the Court concluded that the stop in this case was lawful.

SUB-ISSUE #2: Was the continued seizure of Wilson justified by his failure to have a functioning registration light?

FINDINGS: The People argued that the Officer was justified in requesting Wilson's driver's license, even after the initial reason for the stop had dissipated, because there was an additional vehicle code violation of Wilson's vehicle not having a functioning rear registration plate light to support further investigation, including the request for defendant's driver's license.

The Court noted that Section 12-201(c) of the Illinois Vehicle Code provides, “[e]ither a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light a rear registration plate when required and render it clearly legible from a distance of 50 feet to the rear.” 625 ILCS 5/12-201(c).

According to the Court, Section 12-201(c) was not applicable in this case because a rear registration plate was not “required” where Wilson instead had a valid, Iowa, temporary registration sticker attached to his rear window. Therefore, there was no violation of section 12-201(c) of the Illinois Vehicle Code. As such, the reason for the traffic stop had dissipated prior to the Officer requesting defendant's driver's license.

SUB-ISSUE #3: Did the arresting Officer unreasonably extend Wilson’s stop by asking to see his driver’s license?

FINDINGS: The People argued that the Officer's continued seizure of Wilson to request his driver's license, after the initial reason for the stop had dissipated, did not unreasonably prolonged the traffic stop in violation of Wilson's constitutional rights. The appellate court agreed with the People and noted that both parties agreed that, pursuant to the Illinois Supreme Court's decision in People v. Cummings, 2016 IL 115769, the Officer did not violate Wilson's Fourth Amendment rights by requesting defendant's driver's license in this case.

The Supreme Court in Cummings held that, “[b]ecause the stop [of defendant Cummings] was otherwise reasonable in accordance with fourth amendment precedent, the driver's license request did not involve the sort of stop-prolonging unrelated criminal investigation prohibited by Rodriguez.” “A traffic stop is analogous to a Terry stop, and its permissible duration is determined by the seizure's mission.”

The seizure's mission consists of the purpose of the stop and related safety concerns. Addressing the related safety concerns includes making ordinary inquiries incident to the traffic stop, which typically involve checking the driver's license, determining if there are any outstanding warrants against the driver, and inspecting the vehicle's registration and proof of insurance. Those checks also serve to enforce the traffic code.

“Ordinary inquiries within the traffic stop's mission clearly do not offend the Fourth Amendment.” “Ordinary inquiries incident to the stop do not prolong the stop beyond its original mission, because those inquiries are a part of that mission.” The Court concluded that the stop of Cummings was lawfully initiated and, despite the officer's reasonable suspicion vanishing after the stop was initiated, the officer could still lawfully make ordinary inquiries incident to the stop, which included a driver's license request because “[s]uch ordinary inquiries are part of the stop's mission and do not prolong the stop for fourth amendment purposes.”

In this case, the Court concluded that there was no dispute that the Illinois Supreme Court's decision in Cummings made it clear that Wilson's Fourth Amendment rights were not violated by the Officer's request for Wilson's driver's license.

Alternatively, Wilson argued that his continued detention violated the Illinois constitution's protection against prolonged seizures. In response, the Court held that the Illinois Supreme Court has adopted a "limited lockstep" approach in construing article I, section 6, of the Illinois Constitution of 1970, meaning a court will "look first to the federal constitution, and only if federal law provides no relief turn to the state constitution to determine whether a specific criterion—for example, unique state history or state experience—justifies departure from the federal precedent."

In this case, the Court ruled that Wilson provided no reason to depart from interpreting the search and seizure clause contained in article I, section 6, of the Illinois Constitution of 1970 in lockstep with the Fourth Amendment of the federal constitution. Consequently, the Court concluded that it must construe the prohibition against unreasonable searches and seizures contained in article I, section 6, of the Illinois Constitution of 1970 in the same manner as the Fourth Amendment.

In doing so, it noted Wilson's right to be free from unreasonable searches and seizures was not violated by the Officer requesting Wilson's driver's license after the reason for the stop had dissipated because such ordinary inquiries are part of the traffic stop's mission and do not unreasonably prolong the stop for Fourth Amendment purposes.

CONCLUSION: Therefore, the appellate court concluded that the trial court erred in granting Wilson's motion to suppress evidence. For these reasons, it reversed the order of the trial court and remanded this case back to the trial court for further proceedings.

QUIZ QUESTIONS FOR THE MONTH OF JANUARY – 2021- Case #1

People v. Lonnie Wilson, 2020 IL App (3d) 180024, December 7, 2020.

1. Both the United States Constitution and the Illinois Constitution protects individuals from illegal seizures and searches.
 - a. True.
 - b. False

2. In this case, Wilson complained that the arresting Officer illegal pulled him over. Did the appellate court agree with this argument?
 - a. Yes.
 - b. No.

3. The People argued that the Officer was justified in continuing Wilson's detention because his car had a malfunctioning registration light. Did the appellate court disagree with this argument?
 - a. Yes.
 - b. No.

4. The arresting Officer asked to see Wilson's driver's license even after he discovered that the purpose of his stop of Wilson's car was no longer valid. The trial court concluded that the Officer's continued detention of Wilson was illegal. The appellate court agreed with that finding.
 - a. True.
 - b. False.

QUIZ ANSWERS AND DISCUSSION FOR THE MONTH OF JANUARY – 2021-Case #1

People v. Lonnie Wilson, 2020 IL App (3d) 180024, December 7, 2020.

1. Both the United States Constitution and the Illinois Constitution protects individuals from illegal seizures and searches.
 - a. True.** The Court held: “Both the fourth amendment and the Illinois Constitution of 1970 guarantee the right of individuals to be free from unreasonable searches and seizures.” People v. Colyar, 2013 IL 111835, (citing U.S. Const., amend. IV, and Ill. Const. 1970, art. I, § 6).
2. In this case, Wilson complained that the arresting Officer illegal pulled him over. Did the appellate court agree with this argument?
 - b. No.** The Court held: “Therefore, we will not reverse the trial court's finding that (the Officer) did not see a valid registration on defendant's vehicle prior to the stop. Consequently, the stop in this case was lawful. See People v. Gonzalez, 184 Ill. 2d 402, 413, 235 Ill. Dec. 26, 704 N.E.2d 375 (1998)
3. The People argued that the Officer was justified in continuing Wilson’s detention because his car had a malfunctioning registration light. Did the appellate court disagree with this argument?
 - a. Yes.** The Court concluded: “Section 12-201(c) was not applicable because a rear registration plate was not “required” where defendant instead had a valid, Iowa, temporary registration sticker attached to his rear window. Therefore, there was no violation of section 12-201(c) of the Illinois Vehicle Code.”
4. The arresting Officer asked to see Wilson’s driver’s license even after he discovered that the purpose of his stop of Wilson’s car was no longer valid. The trial court concluded that the Officer’s continued detention of Wilson was illegal. The appellate court agreed with that finding.
 - b. False.** The appellate court reversed the trial court’s finding that Wilson’s continued detention was illegal.

LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH-Case #2

Month of January - 2021

People v. Keval K. Mehta, 2020 IL App (3d) 180020, July 10, 2020.

While investigating an alleged armed assault, two Officers placed Mehta under arrest for obstructing a peace officer.

FACTS: The arresting Officer (Officer A) responded to a call. Upon arrival, he met with the complainant, who told him that two men had been chasing him with a gun. As Officer A was speaking with the complainant, a black SUV accelerated through the parking lot. The complainant indicated that the man with the gun was driving the SUV.

Officer A briefly gave chase on foot and then indicated to Officer B to stop the SUV. After Officer B had effectuated the stop, Officer A ran to that area to assist. The driver of the SUV was compliant with all of the Officers' commands. However, the front seat passenger (Mehta), was "[v]ery belligerent [and] would not follow directions."

Specifically, he refused to turn away from the Officers despite being commanded to do so several times. Defendant repeatedly stated that he was going to sue the police. Officer A testified that he was eventually able to get close enough to Mehta "to handcuff him without a struggle."

Subsequently, Mehta was charged with obstructing a peace officer (720 ILCS 5/31-1(a)). The People specifically alleged that Mehta: "knowingly obstructed the performance of (Officer A), of an authorized act within his official capacity, being the investigation of a traffic stop, knowing (Officer A) to be a peace officer engaged in the execution of his official duties, in that the defendant did not turn away from (Officer A) when told to do so." Following a bench trial, Mehta was found to be guilty as charged. This appeal followed.

ISSUE: Was Mehta properly convicted of obstructing a peace officer?

MEHTA'S ARGUMENT: Mehta that his conduct in not immediately obeying the officers did not amount to an actual obstruction of their traffic stop. Alternatively, he argued that the People failed to prove that he knew his actions would amount to an actual obstruction.

THE PEOPLE'S ARGUMENT: The People argued that Mehta was properly convicted as charged.

THE LAW: When a challenge is made to the sufficiency of the evidence at trial, an appellate court makes a review to determine whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. In making this determination, the Court reviews the evidence in the light most favorable to the prosecution.

All reasonable inferences from the record in favor of the prosecution will be allowed. The trier of fact is not required to seek out or accept any "possible explanations consistent with innocence and raise them to a level of reasonable doubt."

Section 31-1(a) of the Criminal Code of 2012 (Code) holds that obstruction of a peace officer is committed where "[a] person who *** resists or obstructs the performance by one known to the person to be a peace officer *** of any authorized act within his or her official capacity." 720 ILCS 5/31-1(a). The Illinois Supreme Court stated that "[t]he legislative focus of section 31-1(a) is on the tendency of the conduct to interpose an obstacle that impedes or hinders the officer in the performance of his authorized duties." Moreover, whether such an

obstacle has been created is an inquiry reserved “for the trier of fact, based upon the facts and circumstances of each case.”

However, obstruction of a peace officer is committed only where a defendant’s conduct creates an obstacle that materially “impedes or hinders the officer in the performance of his authorized duties.”

SUB-ISSUE ONE: Did Mehta’s conduct create any impediment or hinderance to the Officer’s traffic stop?

FINDINGS: The appellate court held that the facts adduced at the trial in this case left no doubt that Mehta’s refusal to turn away from the officers as instructed impeded or hindered the traffic stop and gun investigation in some tangible way.

While the Officers testified that the entire encounter involving Mehta lasted less than three minutes, their testimony and reasonable inferences drawn therefrom made clear that Mehta’s conduct caused some delay in the investigation beyond the 20 seconds the Officer would have expected that portion of the investigation to take. Under a strict interpretation of section 31-1(a), the Court held that this delay, if only momentarily, hindered the investigation.

SUB-ISSUE TWO: Did Mehta’s conduct create any material impediment or hinderance to the Officer’s traffic stop?

FINDINGS: There can be no doubt that the length of any delay or the brevity of any impediment is a factor, if not the primary factor, in determining whether a given defendant has materially obstructed the actions of police. Further, obstructive acts that may not create a material impediment in one set of circumstances may nevertheless create such an impediment in other circumstances.

Aside from the length of the delay, the Court held that one relevant factor in this determination is the nature of the obstructive act itself. For example, a suspect’s refusal to make his hands visible or exit his vehicle create patent officer safety concerns, whereas the giving of a false name might not.

Also, the nature of the “authorized act” being obstructed is also relevant. For example, actions that do not amount to material obstruction in a misdemeanor stop may nevertheless be considered a material impediment in a more fraught situation, such as the hot pursuit of a violent suspect.

In this case, the Court held that the delay caused by Mehta’s refusal to turn around was relatively small, with all parties in agreement that it was less than three minutes. However, that refusal occurred in a high-tension situation for the police. The officers stopped Mehta’s vehicle, at night in an area known for gang activity, on suspicion that the occupants were in possession of a firearm.

Mehta exacerbated the already elevated officer safety concerns by repeatedly ignoring orders given specifically for the protection of the officers. The Court reasoned that any behavior that actually threatens an officer’s safety or even places an officer in fear for his or her safety is a significant impediment to the officer’s performance of his or her duties. Therefore, the Court found that a rational trier of fact in this case could find beyond a reasonable doubt that defendant’s conduct created a material impediment to the Officer’s investigation.

SUB-ISSUE THREE: Mehta also argued that, even if his conduct amounted to a material obstruction, the People failed to prove beyond a reasonable doubt that he acted knowingly, as required by section 31-1 of the Code. He noted that the People submitted no evidence that he was aware that he was in an area known for gang activity or that the Officer was investigating for the presence of a firearm. Mehta argued, in essence, that if these contextual factors may render his conduct obstructive under the statute, the mens rea may only be satisfied if he was aware of those facts at the time.

FINDINGS: The Court noted that a person who acts with knowledge that his action creates any hinderance or obstacle has acted with the requisite mens rea under section 31-1 of the Code. The Court further noted that

Mehta in this case repeatedly refused to comply with the officers' commands, thus delaying the traffic stop and investigation.

The Court reasoned that it was difficult to discern any other potential explanation for this conscious decision other than an intent to impede or hinder. According to the Court, a rational trier of fact could easily conclude that Mehta was well aware that his repeated refusal to follow instructions would obstruct the traffic stop and investigation.

CONCLUSION: The Court declared that the evidence presented by the People at his trial was sufficient to prove Mehta guilty beyond a reasonable doubt of Obstructing a Peace Officer.

QUIZ QUESTIONS FOR THE MONTH OF JANUARY – 2021-Case #2

People v. Keval K. Mehta, 2020 IL App (3d) 180020, July 10, 2020.

1. In Illinois, a suspect commits the offense of Obstructing a Peace Officer if the suspect resists or obstructs the performance of any act by one known to the person to be a peace officer. Is this a true and accurate description of the offense of Obstructing a Peace Officer?
 - a. Yes
 - b. No.

2. In this case, Mehta argued that his act of turning away from the Officers did not constitute an act of “obstructing.” Did the appellate court disagree with this argument?
 - a. Yes.
 - b. No.

3. Mehta also argued that the People failed to prove that he acted with knowledge that his conduct would constitute Obstructing a Peace Officer? The appellate court disagreed with this argument.
 - a. True.
 - b. False.

4. **ILLUSTRATIVE CASE:** The defendant’s wife was driving their car when it was stopped for a traffic violation. After the wife was asked to exit the car and was escorted to the rear of the car, the defendant, who was a passenger in the car, also stepped out of the car. The arresting Officers immediately ordered him to reenter his car and 21 seconds later he complied. The appellate court held that this conduct was sufficient to constitute the offense of Obstructing a Peace Officer.
 - a. True.
 - b. False.

QUIZ ANSWERS AND DISCUSSION FOR THE MONTH OF JANUARY – 2021-Case #2

People v. Keval K. Mehta, 2020 IL App (3d) 180020, July 10, 2020.

1. In Illinois, a suspect commits the offense of Obstructing a Peace Officer if the suspect resists or obstructs the performance of any act by one known to the person to be a peace officer. Is this a true and accurate description of the offense of Obstructing a Peace Officer?
 - b. No.** Section 31-1(a) of the Criminal Code of 2012 (Code) holds that obstruction of a peace officer is committed where “[a] person who * * * resists or obstructs the performance by one known to the person to be a peace officer * * * of any authorized act within his or her official capacity.” 720 ILCS 5/31-1(a). In other words, the “act” of the officer that is obstructed must be “authorized.”

2. In this case, Mehta argued that his act of turning away from the Officers did not constitute an act of “obstructing.” Did the appellate court disagree with this argument?
 - a. Yes.** The Court held: “We find that a rational trier of fact in this case could find beyond a reasonable doubt that defendant's conduct created a material impediment to (the Officer's) investigation.”

3. Mehta also argued that the People failed to prove that he acted with knowledge that his conduct would constitute Obstructing a Peace Officer? The appellate court disagreed with this argument.
 - a. True.** The Court held: “But a person who acts with knowledge that his action creates any hinderance or obstacle has acted with the requisite (mental state) under section 31-1 of the Code.”

4. **ILLUSTRATIVE CASE:** The defendant’s wife was driving their car when it was stopped for a traffic violation. After the wife was asked to exit the car and was escorted to the rear of the car, the defendant, who was a passenger in the car, also stepped out of the car. The arresting Officers immediately ordered him to reenter his car and 21 seconds later he complied. The appellate court held that this conduct was sufficient to constitute the offense of Obstructing a Peace Officer.
 - b. False.** In the case of “People v. Kotlinski, 2011 IL App (2d) 101251, the Court declared that this conduct was insufficient to support conviction for Obstructing a Peace Officer. **WHY:** The Court held that a police videotape revealed that the defendant exited the vehicle and stood next to its open door; the officers ordered him to get back into the vehicle and 21 seconds later he complied; the total elapsed time between his exit of the vehicle and when the door was closed after he got back was 47 seconds; and the defendant stepped out of the vehicle because he could no longer see what the officer was doing with his wife and not to obstruct the officer's investigation.