

¶ 4 Testimony at Hearing on Motion to Suppress

¶ 5 Officer Chris Joellenbeck. At approximately 5:44 a.m., on October 18, 2010, Trenton police officer Chris Joellenbeck was parked on a city street. Officer Joellenbeck saw the defendant driving a vehicle. The defendant turned before he reached the officer's parked vehicle. Although it was still dark outside, Officer Joellenbeck was able to see that it was the defendant who was driving the vehicle because of the illumination of street lights and vehicle headlights. Officer Joellenbeck testified that he then ran the registration on the vehicle—something he had done "numerous times." The vehicle was registered to the defendant's wife, Betty. The defendant's name was not associated with ownership of the vehicle.

¶ 6 Officer Joellenbeck immediately effected a traffic stop. He testified that the reason for the stop was that the officer was aware that the defendant had a revoked driver's license. The only traffic offense the defendant violated at the time of the stop was driving with a revoked driver's license. Through use of a Soundex system, Officer Joellenbeck was able to tie Betty Petty, the only registered owner of the vehicle the defendant was driving, to an address at which she cohabitated with the defendant. Additionally, Officer Joellenbeck had personal knowledge of the defendant.

¶ 7 After activating his emergency lights and pulling over the vehicle the defendant was driving, Officer Joellenbeck approached the vehicle and asked the defendant if he knew that his license was revoked. The defendant admitted this fact. The defendant was taken into custody.

¶ 8 On cross-examination, Officer Joellenbeck testified that he knew that the defendant's habit was to leave for work between 5:23 and 5:30 a.m. Numerous times, Officer Joellenbeck saw the defendant drive past him in the morning, but not in areas safe to effectuate a stop. He had retrieved the defendant's information from the law enforcement

system numerous times before the day of the arrest, and every time, the defendant's driver's license came back as being in a revoked status. On October 18, 2010, Officer Joellenbeck was parked down the street and watching the defendant's home with binoculars. He saw the defendant get into the vehicle and drive towards him.

¶ 9 Stipulation. The parties stipulated that Betty Petty owns the vehicle that the defendant was driving when he was pulled over.

¶ 10 Ruling. The judge prefaced his ruling by stating that in filing his motion to suppress, the defendant appeared to misunderstand the law regarding traffic stops. The judge stated that the officer was not required to see the defendant commit a traffic violation. The cases cited by the defendant in support of this theory all involved officers unfamiliar with the defendants. The judge noted that in this case, Officer Joellenbeck was very familiar with the defendant. The court described Officer Joellenbeck's actions as essentially those of a person "laying in wait" for the defendant to get behind the wheel of a vehicle, as the officer had seen him do prior to that day. The court noted that the officer had periodically checked the status of the defendant's driver's license and knew that his license was in a revoked status. Additionally, this officer was able to identify the defendant as the driver of the vehicle by visualization. Because Officer Joellenbeck knew the defendant and also knew the status of the defendant's driver's license, the court concluded that Officer Joellenbeck witnessed the defendant violate the law, and that observation of the violation amply provided the officer with probable cause to make the stop.

¶ 11 **LAW AND ANALYSIS**

¶ 12 The defendant contends that the trial court's order denying his motion to suppress was erroneous because his fourth amendment constitutional rights were violated. He argues that the officer did not have a reasonable suspicion upon which to base his seizure—that the officer did not have a reasonable suspicion to make the traffic stop.

¶ 13 On review, we give great deference to the trial court's factual findings, and we will not reverse the ruling unless it is contrary to the manifest weight of the evidence. *People v. Braggs*, 209 Ill. 2d 492, 505, 810 N.E.2d 472, 481 (2003). We review the ultimate legal question posed by the challenge to the trial court's ruling on a *de novo* basis. *Braggs*, 209 Ill. 2d at 505, 810 N.E.2d at 481.

¶ 14 In *Terry v. Ohio*, 392 U.S. 1 (1968), the Supreme Court held that "a law enforcement officer could, under appropriate circumstances, briefly detain an individual for investigatory purposes if the officer reasonably believed that the person had committed or was about to commit a crime." *People v. Dent*, 343 Ill. App. 3d 567, 576, 797 N.E.2d 200, 208 (2003). A reasonable suspicion to stop an individual exists when there are articulable facts that would warrant a reasonably prudent officer to investigate further. *People v. Lampitok*, 207 Ill. 2d 231, 255, 798 N.E.2d 91, 106 (2003) (citing *Maryland v. Buie*, 494 U.S. 325, 334 (1990)). The reasonable suspicion necessary in a given case is individual—"turning on the assessment of probabilities in particular factual contexts." *People v. Taylor*, 253 Ill. App. 3d 768, 772, 625 N.E.2d 785, 789 (1993) (quoting *Illinois v. Gates*, 462 U.S. 213, 232 (1983)). The factual knowledge of a law enforcement officer based upon that officer's experience is a relevant consideration in the determination of reasonable suspicion. *People v. Tisler*, 103 Ill. 2d 226, 237, 469 N.E.2d 147, 153 (1984).

¶ 15 In Illinois, courts have held that it is allowable for an officer to pull over a vehicle if the officer learns the owner of the vehicle has a suspended or revoked driver's license. See *People v. Barnes*, 152 Ill. App. 3d 1004, 1006, 505 N.E.2d 427, 428 (1987); *Village of Lake in the Hills v. Lloyd*, 227 Ill. App. 3d 351, 354, 591 N.E.2d 524, 526 (1992). The defendant argues that because he was not the registered owner of the vehicle he was driving Officer Joellenbeck did not have the right to pull him over.

¶ 16 We disagree with the defendant's argument. Keeping roadways safe is a valid public

interest. *Clark v. White*, 343 Ill. App. 3d 689, 693, 798 N.E.2d 412, 416 (2003). If there is a reasonable suspicion that a driver does not have a valid driver's license, stopping the vehicle to confirm the driver's status does not violate the driver's constitutional rights. *Delaware v. Prouse*, 440 U.S. 648, 663 (1979). The cases cited by the defendant are factually distinguishable in that the drivers in those cases, who the officers knew to be driving on revoked or suspended licenses, also happened to be the registered owners of the vehicle. See *Village of Lake in the Hills*, 227 Ill. App. 3d at 352-54, 591 N.E.2d at 525-26 (after learning that a vehicle owner's license was revoked, stopping the driver without first ascertaining that the owner was driving was still considered reasonable and constitutional); *People v. Galvez*, 401 Ill. App. 3d 716, 717-19, 930 N.E.2d 473, 474-75 (2010) (where the officer learned that the vehicle had two owners, one of whom had a revoked driver's license, stopping the vehicle without first ascertaining which owner was driving was found to be reasonable and constitutional). We do not find that the distinction the defendant attempts to draw is logical. The officers in both cases did not know the identity of the drivers of the vehicles. Even so, where one of the owners of the vehicle had a revoked license, stopping the vehicle with no knowledge of who was driving was considered reasonable. The issue was not ownership of the vehicle. The issue was the knowledge that a possible driver of the vehicle had a revoked driver's license.

¶ 17 In this case, Officer Joellenbeck clearly had a reasonable and articulable suspicion about the defendant's violation of the law. He knew the defendant and knew his schedule. He routinely checked the defendant's licensure status and had confirmed that his license was still revoked. He visibly watched the defendant get into the vehicle and drive and was able to visually determine that the defendant was driving as the vehicle passed him. He knew that Betty Petty was the registered owner of the vehicle and that the defendant and Betty lived together. The fact that the defendant's name was not listed as a registered owner of the

vehicle does not change the nature of the traffic stop. We conclude that given the specific facts of this case, Officer Joellenbeck's stop was appropriate and constitutional.

¶ 18 The defendant also argues that Officer Joellenbeck did not know on the date that he stopped the defendant—October 18, 2010—that the defendant had a revoked driver's license. He argues that because the officer did not have "fresh" knowledge of his revocation, the officer did not have reasonable suspicion to stop the vehicle. While the defendant makes this argument on appeal, Officer Joellenbeck was not asked at the hearing about the timeline—the date he had last checked the defendant's license status. Any argument as to the age of Officer Joellenbeck's information was forfeited by the defendant's failure to cross-examine Officer Joellenbeck on this topic at the hearing.

¶ 19 We conclude that the scope of the investigatory stop was valid and that the trial court's order denying the defendant's motion to suppress was proper.

¶ 20 **CONCLUSION**

¶ 21 For the foregoing reasons, the judgment of the circuit court of Clinton County is hereby affirmed.

¶ 22 Affirmed.