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2013 IL App (3d) 120502-U

Order filed February 21, 2013

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

A.D., 2013

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the Circuit Court
)	of the 10th Judicial Circuit,
Plaintiff-Appellee,)	Peoria County, Illinois,
)	
v.)	Appeal No. 3-12-0502
)	Circuit No. 10-CF-1067
)	
STEVEN L. MINES,)	Honorable
)	Stephen A. Kouri,
Defendant-Appellant.)	Judge, Presiding.

JUSTICE CARTER delivered the judgment of the court.
Presiding Justice Wright and Justice Schmidt concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court properly denied defendant's motion to suppress. The seizure of defendant was supported by the officer's reasonable suspicion that defendant had committed multiple traffic infractions.

¶ 2 Defendant, Steven L. Mines, was charged with unlawful possession of a weapon by a felon. 720 ILCS 5/24-1.1(a) (West 2010). Defendant filed a motion to suppress evidence and quash arrest, which the trial court denied. Following a bench trial, defendant was found guilty and sentenced to six years' imprisonment. Defendant appeals, arguing that the trial court erred in

denying his motion to suppress. Defendant argues that the traffic stop, which led to the discovery of the weapon, was not supported by reasonable suspicion or probable cause. We affirm.

¶ 3

FACTS

¶ 4 On October 12, 2010, Officer Steven Cover was following defendant's van in an unmarked car. The van was traveling in the left lane of two northbound lanes. Cover observed the van weave several feet into the right lane for a few seconds before returning to the left lane without signaling. Cover also noticed that the van lacked a rear registration plate lamp. Cover followed the van for approximately one mile, at which time the van made a right-hand turn but signaled less than the required 100 feet prior to the turn. After the van turned, it pulled over to the curb. Cover then activated his car's emergency lights and pulled in behind the van. Defendant remained seated in the van.

¶ 5 Cover approached the van and took defendant's driver's license and insurance information. Two more police vehicles arrived and parked in front of the van. As Cover was checking defendant's driving information, another officer directed defendant to step out of the van. That officer conducted a pat-down search of defendant, finding a switchblade knife on defendant's person. Defendant was arrested and charged with unlawful possession of a weapon by a felon (720 ILCS 5/24-1.1(a) (West 2010)), a Class 2 felony because defendant was subject to mandatory supervised release at the time of his arrest.

¶ 6 Defendant filed a motion to suppress evidence and quash arrest, which the trial court denied, determining that defendant was not seized because he stopped the van prior to Cover activating his emergency lights. Defendant subsequently filed a motion to reconsider, which was likewise denied after a hearing. The court later reopened the motion to suppress and granted an

additional hearing. After that hearing, the court confirmed its denial of defendant's motion to reconsider, finding that defendant was seized by Cover, but that such seizure was justified by defendant's traffic violations. Following a bench trial, defendant was found guilty and sentenced to six years' imprisonment. Defendant appeals.

¶ 7

ANALYSIS

¶ 8 Defendant argues that the trial court erred in denying his motion to suppress because the seizure was not supported by reasonable suspicion or probable cause. Therefore, the weapon recovered from defendant should have been suppressed.

¶ 9 Review of a trial court's decision on a motion to suppress involves a two-tiered standard: findings of fact are upheld unless they are against the manifest weight of the evidence, while the ultimate legal ruling as to whether suppression is warranted is considered *de novo*. *People v. Kats*, 2012 IL App (3d) 100683.

¶ 10 The fourth amendment of the United States Constitution and article I, section 6, of the Illinois Constitution protect individuals from unreasonable searches and seizures. U.S. Const., amend. IV; Ill. Const. 1970, art. I, § 6. Traffic stops are subject to the constitutions' reasonableness requirements and must be supported by at least a reasonable and articulable suspicion of a traffic code violation. *People v. Hackett*, 2012 IL 111781.

¶ 11 In the present case, defendant was seized when Cover activated his car's emergency lights and pulled in behind defendant's van. *People v. Laake*, 348 Ill. App. 3d 346 (2004). Defendant submitted to Cover's show of authority by remaining seated in his van. This seizure was justified by Cover's reasonable suspicion that defendant had committed three separate violations of the traffic code: defendant's van drifted into another lane of traffic (625 ILCS 5/11-709 (West

2010)); defendant failed to activate his turn signal at least 100 feet prior to executing a turn (625 ILCS 5/11-804(b) (West 2010)); and defendant's van did not have a working rear registration plate lamp (625 ILCS 5/12-201(c) (West 2010)). The fact that Cover did not immediately initiate the traffic stop upon witnessing the violations does not affect his reasonable suspicion for the stop. See *People v. Geier*, 407 Ill. App. 3d 553, 559 (2011) ("Mere delay does not dissipate probable cause to arrest.")

¶ 12 The traffic stop was therefore reasonable, and the circuit court did not err in denying the motion to suppress.

¶ 13

CONCLUSION

¶ 14 The judgment of the circuit court of Peoria County is affirmed.

¶ 15 Affirmed.