

on November 22, 2010, and again at an April 9, 2012, hearing on a motion filed by the defendant to quash her arrest on the charges, Illinois State Police Trooper Mark Stram testified about the circumstances surrounding the traffic stop. Stram testified that on March 7, 2010, he was familiar with the defendant, and observed the defendant driving a vehicle that was approaching him. According to Stram, he "had prior knowledge" that the defendant had "a suspended license." Pressed to explain his prior knowledge, Stram testified that "a couple of weeks prior to" the stop, he learned from Trooper Carroll B. Graham that the defendant's license was suspended. Stram knew that Graham had given the defendant a DUI, but could not remember if the suspension stemmed from that DUI or was "for something else." Stram testified, however, that Graham told him that he issued the defendant a citation for driving with license suspended. Evidence was introduced at the hearing demonstrating that Graham ticketed the defendant for driving with a suspended license, and gave her a DUI, on February 14, 2010, three weeks prior to Stram's traffic stop. Stram conceded that he did not "know" that the defendant's license was suspended when he initiated his traffic stop, but again asserted that he "had a suspicion" that it was, based upon his conversation with Graham. When Stram checked his squad car computer after stopping the defendant, his suspicion that the defendant's license was suspended was confirmed. During the course of the stop, Stram smelled alcohol on the breath of the defendant and subsequently requested her permission to search the car for alcohol. While searching, Stram came across the illegal pills.

¶ 5 At the conclusion of the April 9, 2012, hearing, the defendant submitted into evidence a certified copy of the defendant's driving record that showed that on March 7, 2010, the defendant's license was suspended "for a failure to appear." The defendant nevertheless argued that information received from a fellow officer three weeks prior to a stop could not, as a matter of law, support a reasonable suspicion on the part of an officer that the license

was still suspended, because the "failure to appear" suspension "could have been cleared up at any time." Following argument, the trial judge granted the defendant's motion to quash arrest, stating that he did not "believe there was reasonable suspicion." The State then filed a notice of appeal and a certificate of impairment, and this timely appeal followed.

¶ 6

ANALYSIS

¶ 7 We begin by noting our standard of review. When reviewing a trial court's ruling on a motion to quash arrest and suppress evidence, we accord great deference to the trial court's findings of fact, reversing them only if they are against the manifest weight of the evidence. *People v. Hopkins*, 235 Ill. 2d 453, 471 (2009). However, we review *de novo* the trial court's ultimate legal ruling as to whether the motion should be granted. *Id.*

¶ 8 On appeal, the State contends that in the case at bar, the trial court erred because the stop of the defendant was properly based upon the reasonable suspicion of Stram that the defendant was violating the law by driving on a suspended license. We agree. Although the defendant contends that probable cause, rather than reasonable suspicion, was required for the stop to be legal, we patently reject this notion, as has our supreme court. See *People v. Hackett*, 2012 IL 111781, ¶ 20 ("though traffic stops are frequently supported by 'probable cause' to believe that a traffic violation has occurred, as differentiated from the 'less exacting' standard of 'reasonable, articulable suspicion' that justifies an 'investigative stop,' the latter will suffice for purposes of the fourth amendment irrespective of whether the stop is supported by probable cause"). Indeed, a "police officer may conduct a brief, investigatory stop of a person where the officer can point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant the intrusion." *Id.* "In judging a police officer's conduct, we apply an objective standard, considering whether the facts available to the officer at the moment of the seizure justify the action taken." *Id.* ¶ 29. When deciding whether to initiate an investigatory stop, a police officer may rely on

information provided by a third party "if the information provided is reliable and allows an officer to reasonably infer that a person was involved in criminal activity." *People v. Jackson*, 348 Ill. App. 3d 719, 729 (2004). "The third party's information 'must bear some indicia of reliability and must be sufficient to establish the requisite quantum of suspicion.'" *Id.* at 730 (quoting *People v. Brown*, 343 Ill. App. 3d 617, 623 (2003)).

¶ 9 Applying the objective standard espoused in *Hackett* to the case at bar, we conclude that Stram had a reasonable suspicion that the defendant was driving while her license was suspended. He was able to specifically articulate the basis for his suspicion, which was his conversation, approximately two or three weeks prior to his stop of the defendant, with a fellow trooper who informed him that the defendant's license was suspended, and that he had ticketed her for driving while license suspended, three weeks prior to Stram's stop. The defendant suggests no grounds to question the reliability of the information Graham relayed to Stram, nor are we aware of any. Indeed, it would make little sense for Graham to pass such information along to Stram if it were not true. We note as well that Graham's information was firsthand, based upon his own encounter with the defendant, not based upon information Graham had received from others. Likewise, the defendant has offered no evidence to suggest that this could be a case of mistaken identity, wherein Graham and/or Stram confused the defendant with someone else.

¶ 10 The defendant nevertheless asks us to find Stram's suspicion unreasonable, claiming that because the basis of the suspension, as demonstrated by the certified copy of the defendant's driving record admitted before the trial court, was a "failure to appear" that "could have been cleared up at any time," Stram could not reasonably suspect the license was still suspended three weeks after Graham's ticket was issued. We do not agree. Although it is true that the defendant could have taken steps, in the three weeks between Graham's ticket and Stram's stop, to remediate the problems with her license, it is equally true that she

could have failed to do so, and in fact, the record demonstrates that at the time of Stram's stop, the defendant's license was still suspended. A police officer is not required to ignore a suspected criminal act simply because hypothetical events that would render the act legal *might* have occurred. Indeed, the purpose of an investigatory stop is to investigate the *possibility* of criminal activity. See, e.g., *People v. Jackson*, 348 Ill. App. 3d 719, 729 (2004). We agree there could be situations where too much time had passed between the time an officer received reliable information and the time he or she acted upon it; however, we do not believe three weeks is such a time, at least in regard to the offense of driving while license suspended. Moreover, although the defendant contends that a more reasonable action for Stram to have taken would have been to run a computer check on the defendant as he followed her, rather than pulling her over, there is no requirement in the law that an officer possessing a reasonable suspicion of criminal activity take such a step before initiating an investigatory stop, and we decline the defendant's invitation to judicially craft such a new rule of law.

¶ 11

CONCLUSION

¶ 12 For the foregoing reasons, the trial court erred when granting the defendant's motion to quash arrest. Accordingly, we reverse the trial court's ruling and remand for further criminal proceedings against the defendant.

¶ 13 Reversed and remanded.