SECOND DIVISION
June 30, 2015

No. 1-13-3307

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 13 CR 9873
	)	
COURTNEY WOODS,	)	Honorable
	)	James B. Linn,
Defendant-Appellant.	)	Judge Presiding.

PRESIDING JUSTICE SIMON delivered the judgment of the court.
Justices Neville and Liu concurred in the judgment.

O R D E R

¶ 1 ***Held:*** Defendant's conviction of possession of a controlled substance with intent to deliver affirmed over his contention that the trial court erred by denying his motion to quash arrest and suppress evidence.

¶ 2 Following a joint bench trial, defendant Courtney Woods and co-defendant Terrance Walker, who is not a party to this appeal, were found guilty of possession of a controlled substance with intent to deliver. Defendant was then sentenced to 90 months in prison. On appeal, defendant contends that the trial court erred by denying his motion to quash arrest and

suppress evidence, and requests that the trial court's ruling on the motion be reversed.

¶ 3 The charges filed against defendant arose from an incident that occurred on April 19, 2013, on the west side of Chicago. Prior to trial, defendant filed a motion to quash his arrest and suppress evidence alleging that the police lacked probable cause to arrest him, and that the evidence obtained as a result of the arrest should be suppressed.

¶ 4 At the hearing on defendant's motion, Chicago police officer Kevin Deeren testified that about 10:30 a.m. on the day in question, he was working with Officers Mandile and Cox in the area of 3435 West Douglas Avenue. They received a tip that a beige four-door Buick contained a large amount of "L," street terminology for "leaf" or phencyclidine-saturated substance, also known as PCP, and set up a surveillance to corroborate the information. Officers Deeren and Mandile acted as enforcement officers, while Officer Cox conducted surveillance and maintained radio communication with them.

¶ 5 Officer Cox informed Officer Deeren that he observed a beige-colored Buick, with the driver, identified as defendant, not wearing a seatbelt, and provided him with information regarding the location of the vehicle. Officers Deeren and Mandile pursued defendant in their unmarked police car, but before they could curb his vehicle, defendant parked at 3435 West Douglas Avenue. Defendant exited the driver's seat, and started walking towards Officer Deeren's vehicle, which was parked facing defendant's Buick. Officer Deeren did not activate the emergency lights or siren on his vehicle to initiate a stop.

¶ 6 As defendant approached, Officer Deeren exited his vehicle and asked for defendant's name and driver's license. Defendant provided his name, but was unable to produce a license, and Officer Deeren placed him under arrest. There were two other passengers seated in

defendant's vehicle at that time, and the officers asked them to step out of the car. As co-defendant exited from the rear passenger seat, Officer Deeren observed him place his left hand toward his waist and put something inside his waistband. Officer Mandile recovered the item, which was a plastic bag containing 47 smaller zip lock bags of suspect crack cocaine, and placed co-defendant under arrest.

¶ 7 Officer Deeren further testified that he drove defendant's vehicle to the police station to impound it, and noticed a distinct odor of PCP, which resembles the smell of formaldehyde, coming from the vehicle. Based on his observations while driving, Officer Dereen searched the car at the station, and recovered a clear plastic bag, containing three smaller knotted plastic bags, which held a total of 38 tinfoil packets of a substance the parties stipulated was PCP.

¶ 8 The trial court found Officer Deeren's testimony credible and denied defendant's motion to quash arrest and suppress evidence, then subsequently denied his motion to reconsider. The case proceeded as a bench trial and the parties agreed to incorporate by reference the testimony presented at the hearing on the motion to quash and suppress.

¶ 9 The State then called as a witness Chicago police officer Angelo Mandile, who corroborated Officer Deeren's version of events. Officer Mandile added that after Officer Deeren recovered the 38 tinfoil packets containing PCP and gave them to him, he inventoried them pursuant to proper procedures. He further testified that after Officer Deeren advised defendant of his *Miranda* rights, defendant stated that "The [PCP] was for the building at 1408 South Homan," and that he did not store it or sell it, but that he transported it for about $800 in order to have money for his children.

¶ 10 Officer Cox also testified at trial and his testimony regarding the events leading to defendant's arrest corroborated that presented by Officers Deeren and Mandile. The trial court subsequently found defendant guilty of possession of a controlled substance with intent to deliver, and sentenced him to 90 months in prison.

¶ 11 In this appeal from that judgment, defendant solely contends that the trial court erred in denying his motion to quash arrest and suppress the evidence recovered from the trunk of his vehicle. He acknowledges that the stop and arrest were warranted, but claims that the search of his vehicle was not justified.

¶ 12 In reviewing a ruling on a motion to quash arrest and suppress evidence, this court applies a two-part standard of review. *People v. Hopkins*, 235 Ill. 2d 453, 471 (2009). The trial court's factual findings are accorded great deference, and this court will reverse those findings only if they are against the manifest weight of the evidence; however, the court's ultimate ruling on a motion to suppress involving probable cause is reviewed *de novo*. *Id.* A reviewing court may affirm a ruling on a motion to suppress on any basis supported by the record, and is free to consider trial testimony as well as the evidence presented at the hearing on the motion to suppress. *Id.* at 458, 473.

¶ 13 Defendant acknowledges that driving without a seatbelt is a traffic violation, which provides a reasonable basis for stopping a vehicle (*People v. Manikowski*, 186 Ill. App. 3d 1007, 1010-11 (1989)), and the failure to produce a valid driver's license in violation of section 6-112 of the Illinois Vehicle Code (625 ILCS 5/6-112 (West 2012)), is a proper ground for arrest (*People v. Perry*, 204 Ill. App. 3d 782, 787 (1990)). He contends, however, that Officer Dereen

"went well beyond the scope legally permitted in impounding the vehicle and retrieving drugs from the trunk" and that he should have first obtained a warrant.

¶ 14 The State correctly observes that defendant failed to raise any claim regarding improper impoundment of his vehicle in his motion to suppress, at trial, or in a post-trial motion, and has thus waived the issue for purposes of appeal. *People v. Enoch*, 122 Ill. 2d 176, 186 (1988) (noting that in order to preserve a claim of error on appeal, defendant must both raise an objection at trial and in a written post-trial motion).

¶ 15 The State also correctly observes that defendant has cited no authority for his claim that failure to produce his driver's license did not justify the impoundment of his vehicle. As such, defendant has failed to comply with Supreme Court Rule 341(h)(7) (eff. Feb. 6, 2013), which requires that he cite relevant authority in support of his arguments on appeal. Accordingly, we find that defendant has forfeited this claim (*Eckiss v. McVaigh*, 261 Ill. App. 3d 778, 786 (1994)), and that the trial court did not err in denying defendant's motion to quash arrest and suppress evidence (*People v. Johnson*, 237 Ill. 2d 81, 96 (2010)).

¶ 16 In reaching this conclusion, we find defendant's attempt to analogize his case with *People v. Woods*, 241 Ill. App. 3d 285 (1993), and *People v. Corral*, 147 Ill. App. 3d 668 (1986), unpersuasive. In *Woods*, the reviewing court reversed the denial of defendant's motion to suppress after finding that police did not have probable cause to arrest defendant; and, accordingly, the search of his person went beyond the scope of a valid "frisk" incident to a Terry stop. *Woods*, 241 Ill. App. 3d at 290. Here, unlike *Woods*, defendant was observed driving without a seatbelt and properly arrested when he failed to provide a valid driver's license, prior to the impoundment of his car.

¶ 17 Similarly, in *Corral*, the officer searched defendant's vehicle after merely observing the driver exceeding the speed limit, which the court found insufficient to provide probable cause to search. *Corral*, 147 Ill. App. 3d 673. Here, by contrast, Officer Dereen smelled PCP in defendant's vehicle during the course of an impoundment pursuant to a valid arrest. Where police have probable cause to believe a vehicle contains contraband, they may search it without a warrant. *Id.* at 672 and cases cited therein. Neither *Woods* nor *Corral* address the impoundment on which defendant's claim is based, and we find them factually inapposite to the case at bar.

¶ 18 For the reasons stated, we affirm the circuit court of Cook County.

¶ 19 Affirmed.