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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

By Don Hays

Month of September – 2025 - ALTERNATIVE

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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

Month of September - 2025 - ALTERNATIVE

People v. Cedric Smith, 2025 IL App (1st) 231202, June 4, 2025.

THE CASE: The Police conducted a warrantless search of a backpack found in a suspect car. Was the search legal?

FACTS: Smith was a passenger in a vehicle that was stopped for several traffic violations, including the failure to have a front license plate and a false rear license plate. During the course of the traffic stop, Smith, who had been seated in the back seat on the passenger's side of the vehicle, was arrested after officers discovered a loaded firearm in a backpack near his feet. The Officer's supported their warrantless search of Smith's backpack based upon the "automobile exception to the warrant requirement" and their fear that Smith may be armed based upon Smith's furtive movements and the condition of the suspect car. Specifically, the People argued that multiple factors, including the lack of a front plate and the rear license plate not belonging to the car; the driver's noncompliance; and the car's "multiple bullet holes and damaged windows, coupled with the defendant's "sudden movements to the floorboard of the vehicle while he was holding something in his hand," as his car was being stopped, gave the police officers probable cause "to believe that the vehicle could contain contraband" and caused them to fear for their safety. Subsequently, Smith was charged with various weapons violations, including being an armed habitual criminal. Prior to trial, Smith filed a motion to suppress the firearm, contending that the officers who searched the bag did so without a warrant and without probable cause. Ultimately, the circuit court denied Smith's motion to suppress and, following a jury trial, Smith was convicted of being an armed habitual criminal. This appeal followed.

ARGUMENTS: On appeal, Smith contended that the trial court should have suppressed the firearm discovered during the traffic stop because the Officers lacked the authority to search his backpack.

QUESTION #1: How is the legality of a Traffic Stop tested?

FINDINGS: A Vehicle stop is subject to the Fourth Amendment's reasonableness requirement and is analyzed under the principles set forth in *Terry*, which permit a brief, investigatory stop of a person where a police officer reasonably believes that the person has committed, or is about to commit, a crime.

QUESTION #2: In this case, the police searched the suspect car without first obtaining a warrant. **Could this warrantless search be legal in this case?**

FINDINGS: Under the "automobile exception" to the warrant requirement, police officers may search a vehicle if there is probable cause to believe that the automobile contains evidence of criminal activity that the officers are entitled to seize.

QUESTION #3: How is this "automobile exception" established?

FINDINGS: To establish probable cause for a warrantless search of a stopped automobile it must be shown that the totality of the facts and circumstances known to an officer at the time of the search would justify a reasonable person in believing that the automobile contains contraband or evidence of criminal activity.

QUESTION #4: How does a Court determine whether or not an Officer actually possessed "probable cause" to believe that a suspect car contains contraband?

FINDINGS: As police officers may rely on their law enforcement training and experience in drawing inferences that might evade untrained civilians, a reviewing court determines the existence of probable cause for a warrantless search through the standpoint of an objectively reasonable officer.

QUESTION #5: How does a Court determine how broad an Officer's warrantless search of a suspect car can be?

FINDINGS: The Court held that the scope of a warrantless search of an automobile is defined by the object of the search and the places in which there is probable cause to believe that it may be found.

QUESTION #6: Will a suspect's "furtive movements" always justify an Officer's search of a suspect and his/her surrounding area?

FINDINGS: The Court concluded that furtive movements alone do not provide probable cause for a warrantless search in the absence of other circumstances tending to show probable cause.

QUESTION #7: Did various factors observed by the Officers in this case justify their search of Smith's backpack for evidence concerning a false rear plate? Specifically, the People argued that multiple factors, including the license plate not belonging to the vehicle; the driver's noncompliance; and the "multiple bullet holes, damaged windows, and suspect cannabis residue on the center console," coupled with Smith's "sudden movements to the floorboard of the vehicle while he was holding something in his hand," gave the police officers probable cause "to believe that the vehicle could contain more evidence related to the fictitious plates."

FINDINGS: The appellate court was not persuaded by the People's arguments. Specifically, the Court noted that while a broken window covered with plastic and a cracked windshield were traffic infractions, they were hardly unusual. Further, they concluded that the driver was not noncompliant; she merely asked to speak with a female officer after concluding that the male Officer who spoke to her was being "nasty." Also, the Court noted that the officers bypassed obvious places to search for proof of vehicle ownership (i.e., the car's glove compartment) to search the backpack, and Smith's furtive movements had no connection to a search for vehicle ownership. Therefore, the Court concluded that all of these factors did not provide the Officers with probable cause to search the car for evidence concerning the fictitious plates.

QUESTION #8: What are the limitations of a Terry search of a suspect vehicle for weapons based upon an Officer's belief that persons inside the car may be armed and dangerous?

FINDINGS: The Court held that a warrantless search of a vehicle stopped for an investigatory search, for the police officers' safety, should be limited to the area where a weapon may be located or hidden, and the search is permissible only when the officers possess a reasonable belief, based on specific and articulable facts and reasonable inferences from those facts, that the individual was dangerous and could gain control of a weapon.

QUESTION #9: Can Officers legally conduct a Terry search for weapons once the suspect has been removed from the car and is handcuffed?

FINDINGS: According to the Court, under certain circumstances, a police officer may conduct a warrantless search of a stopped vehicle even after an individual has been handcuffed based on the officer's concern for his safety; in those cases, however, the continued search is permissible where the officer's reasonable suspicion of a firearm being present is not dispelled by the circumstances.

QUESTION #10: Did the conduct of the passengers in this case justify a warrantless search of the backpack?

FINDINGS: The appellate court found that the Officers did not have a reasonable fear for their safety, based on a weapon being present, to justify their warrantless search of the backpack. Specifically, the Court noted that both passengers of the car had been asked to leave the vehicle, and the defendant was handcuffed while standing behind the vehicle during the course of the stop. An officer conducted a protective pat-down of Smith's person and no weapons were recovered. The officer did not observe any evidence of a weapon inside the vehicle or that

either passenger had violated the law. A number of officers were present at the scene of the stop, and the officers waited from four to six minutes before the driver and the passenger were ordered to exit the vehicle. The Court held that the conduct of the passengers, including any “furtive movements” of the suspect, did not justify a reasonable belief that Smith might be armed and dangerous.

QUESTION #11: Was the condition of the suspect car alone sufficient to justify a reasonable fear for the Officer’s safety?

FINDINGS: The appellate court declared that the condition of vehicle, which had missing front license plate, a rear license plate that did not belong to the vehicle, multiple bullet holes, and a damaged window were not sufficient to place the officers in reasonable fear for their safety, and thus did not justify their warrantless search of backpack near defendant's feet in backseat of vehicle stopped for multiple traffic infractions. Specifically, the Court reasoned that the bullet holes and broken window were not apparently new, and the officers did not see any evidence of a weapon being present when they approached the vehicle or act as if they feared for their safety or thought the vehicle's occupants were armed during the course of the stop. Therefore, the Officers were not justified in conducting a warrantless search of Smith’s backpack based solely on the condition of the suspect car.

CONCLUSION: The appellate court reversed the trial court’s judgment denying Smith’s motion to suppress.

QUIZ QUESTIONS FOR THE MONTH OF SEPTEMBER – 2025 - ALTERNATIVE

People v. Cedric Smith, 2025 IL App (1st) 231202, June 4, 2025.

1. While a warrantless search is generally considered to be unauthorized, the vehicle exception to the warrant requirement in some cases may justify a warrantless search of a vehicle.
 - a. True.
 - b. False.
2. In this case the Officers discovered that the suspect car's rear plate did not belong to the suspect vehicle. If the driver of the suspect vehicle is unable to provide proof of the registration of the suspect vehicle, would the Officers be justified in searching the vehicle in order to locate proof of the registration of the vehicle?
 - a. Yes.
 - b. No.
3. The People argued in this case that multiple factors, including the license plate not belonging to the vehicle; the driver's noncompliance; and the "multiple bullet holes, damaged windows, and suspect cannabis residue on the center console," coupled with defendant's "sudden movements to the floorboard of the vehicle while he was holding something in his hand," gave the police officers probable cause "to believe that the vehicle could contain more evidence related to the fictitious plates." Did the Appellate Court agree with this argument?
 - a. Yes.
 - b. No.
4. The People argued that the Officer's Terry search of the backpack was justified where the Officers feared for their safety and the backpack was searched for weapons. The Appellate Court agreed with this argument.
 - a. True.
 - b. False.

QUIZ QUESTIONS FOR THE MONTH OF SEPTEMBER – 2025 - ALTERNATIVE

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1. While a warrantless search is generally considered to be unauthorized, the vehicle exception to the warrant requirement in some cases may justify a warrantless search of a vehicle.

a. **True.** The vehicle exception to the warrant requirement does, in some cases, justify a warrantless search of a vehicle suspected of possessing contraband.

2. In this case the Officers discovered that the suspect car's rear plate did not belong to the suspect vehicle. If the driver of the suspect vehicle is unable to provide proof of the registration of the suspect vehicle, would the Officers be justified in searching the vehicle in order to locate proof of the registration of the vehicle?

a. **Yes.** In this case the Court concluded that "Defendant also does not dispute that the officers were entitled to search the Tahoe for proof of ownership if the driver was unable to provide such proof, as the license plate did not belong to that vehicle. See People v. Hayden, 58 Ill. App. 2d 420, 422, 208 N.E.2d 309 (1965) (search of vehicle was permissible in order to attempt to ascertain proof of ownership where the defendants were unable to produce evidence of such ownership)."

3. The People argued in this case that multiple factors, including the license plate not belonging to the vehicle; the driver's noncompliance; and the "multiple bullet holes, damaged windows, and suspect cannabis residue on the center console," coupled with defendant's "sudden movements to the floorboard of the vehicle while he was holding something in his hand," gave the police officers probable cause "to believe that the vehicle could contain more evidence related to the fictitious plates." Did the Appellate Court agree with this argument?

b. **No.** The appellate court noted that the backpack—which was on the floor of the back seat of the vehicle—was searched prior to the glove compartment or the center console, both areas that would more typically contain documentation concerning the vehicle's ownership. The scope of a warrantless search of an automobile is " 'defined by the object of the search and the places in which there is probable cause to believe that it may be found.' " The Court concluded that the fact that the officers bypassed the obvious areas to search a bag in the back seat suggests that the purpose of the search was not, in fact, to search for evidence concerning the vehicle's ownership.

4. The People argued that the Officer's Terry search of the backpack was justified where the Officers feared for their safety and the backpack was searched for weapons. The Appellate Court agreed with this argument.

b. **False.** The Appellate Court concluded that the facts in this case did not support a finding that the Officer's search of the backpack was based upon the Officer's fear for their safety.