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## ***LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH***

**By Don Hays**

Month of January – 2026

# **LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH**

## **Month of January - 2026**

### **People v. Robert W. Hoskins, 2025 IL App (4th) 240991, July 31, 2025.**

**THE CASE:** An Officer searched a suspect car based upon positive alert of a drug detection dog. After considering the potential legality of the possession and use of Cannabis in Illinois now, was the warrantless search of the suspect car legal. Further, was the alert of the K-9 alone sufficient to support a warrantless search of the suspect vehicle?

**FACTS:** Methamphetamine was discovered in Hoskins's vehicle following a police search. The search was justified by the positive alert by a drug detection dog following a canine-sniff of the exterior of the Hoskins vehicle. Prior to his trial, Hoskins moved to suppress the Methamphetamine. At the hearing on the motion to suppress, a City Officer testified that on the day in question, he was on duty when a state police investigator who had been conducting surveillance on a local bar "called out a [pickup truck] that had "suspicious activity" that was leaving the bar." The City Officer pulled the truck over after observing that it did not have an illuminated rear registration light. He identified Hoskins as the driver and testified that there was a passenger in the back seat. A K-9 Deputy arrived as the City Officer was requesting Hoskins's driver's license.

The City Officer testified that he did not smell the odor of any cannabis or observe any "paraphernalia" in the truck when he was speaking with Hoskins through the driver's side window. Hoskins provided his driver's license to the City Officer but not his insurance information. He did not show any signs of nervousness. The City Officer then asked the K-9 Deputy to conduct a free-air sniff with his drug detection dog, Mack. Thereafter, the K-9 Deputy informed the City Officer that Mack had made a positive alert. The Officers then searched the truck and both occupants. They found (1) a bag containing suspected methamphetamine under the driver's seat and (2) "paraphernalia" in the passenger's possession. On cross-examination, the City Officer further testified that the "suspicious activity" relayed by the state police investigator related to drug activity—namely, that the truck's passenger was "going back and forth inside of [the bar] to the vehicle, like, two or three times; something like that." The prosecutor asked the City Officer why he requested the free-air sniff, and he answered (1) the "drug intel" and (2) the passenger acting "very suspiciously" in the back seat by "breathing heavily and \*\*\* lean[ing] over." The Officer testified that, without the sniff, (1) he did not believe he had probable cause to search the truck and (2) he believed the results of the sniff would contribute to his ability to access the vehicle.

The K-9 Deputy testified that on the night of the traffic stop, a "small [law enforcement] detail" was conducting surveillance. When he learned that the City Officer located and followed the truck that the state police investigator had identified over the radio, the K-9 Deputy went in that direction "to be ready in case they needed [him] for the K-9." When the K-9 Deputy arrived, the City Officer had the truck stopped and asked the K-9 Deputy to conduct a free-air sniff. Mack gave a positive alert on the passenger door. The K-9 Deputy testified that Mack was trained to detect the odor of cannabis, methamphetamine, heroin, and cocaine. After Mack alerted to the vehicle, the City Officer asked the passenger to exit the truck, and the K-9 Deputy searched him. The Deputy also searched the truck and found a baggie containing a "fairly large chunky white crystal substance" under the driver's seat. [The appellate court noted that, at the subsequent stipulated bench trial, the parties stipulated that (1) the substance field tested positive for methamphetamine and (2) a forensic scientist later conducted a chemical analysis of the substance and determined it to be 12.7 grams of methamphetamine, and, at the preliminary hearing, the City Officer testified that "some cannabis" was found.]

Following the K-9 Deputy's testimony, the People moved for a directed finding, arguing that Hoskins had not met his burden to show that the search of his vehicle was unlawful because, "given the current state of the law in the Fourth District," a K-9 sniff was "appropriate despite [the K-9] being imprinted on cannabis." The trial court agreed with the People and denied defendant's motion to suppress, noting that in People v. Mallery, 2023 IL App (4th) 220528, the Fourth District "recently found a positive alert by a K-9 certified and trained to detect five narcotic substances, including cannabis, was sufficient to establish probable cause." From his conviction following his stipulated bench trial, Hoskins brought this appeal.

### **ISSUE #1: Was the Police search of Hoskins's vehicle legal?**

**ARGUMENT:** Hoskins argued that a warrantless sniff by a drug detection dog that is trained to alert to the presence of cannabis (both legal and illegal) as well as illegal narcotics during a lawful traffic stop now constitutes a search that must be supported by probable cause because the dog might be alerting to a person's lawful possession of cannabis.

**THE LAW:** The United States and Illinois Constitutions prohibit unreasonable searches and seizures. “Generally, a search is per se unreasonable if conducted without a warrant supported by probable cause and approved by a judge or magistrate.” However, because an automobile is easily moved, “render[ing] it impracticable to secure a warrant before the automobile escapes the jurisdiction in which the warrant must be sought,” a warrantless search of an automobile is not per se unreasonable. Nonetheless, a warrantless search of an automobile must still be supported by probable cause. “To establish probable cause, it must be shown that the totality of the facts and circumstances known to the officer at the time of the search would justify a reasonable person in believing that the automobile contains contraband or evidence of criminal activity.” “In determining whether probable cause to conduct a warrantless search of an automobile exists, an officer may rely on his law-enforcement training and experience to make inferences that might evade an untrained civilian.”

The Illinois Supreme Court “has long held that the use of drug-sniffing dogs to detect the presence of narcotics is an acceptable method to establish probable cause.” Moreover, although a vehicle stop on a highway constitutes a seizure within the meaning of the fourth amendment, “[t]he fact that officers walk a narcotics-detection dog around the exterior of [the] car \*\*\* does not transform the seizure into a search.” “[A]n exterior sniff of an automobile does not require entry into the car and is not designed to disclose any information other than the presence or absence of narcotics.” “[A] sniff by a dog that simply walks around a car is much less intrusive than a typical search.”

Section 4 of the Cannabis Control Act (Control Act) (720 ILCS 550/4) provides that, “[e]xcept as otherwise provided in the Cannabis Regulation and Tax Act [(Regulation Act) (410 ILCS 705/1-1 et seq.)] and the Industrial Hemp Act [(505 ILCS 89/1 et seq.)], it is unlawful for any person to knowingly possess cannabis.” The Regulation Act, however, which became effective January 1, 2020, “in laymen’s terms [provides] that it is legal for an Illinois citizen who is over the age of 21 to use or possess up to 30 grams of cannabis.” Section 10-35 of the Regulation Act provides two exceptions to the general proposition that it is legal for an Illinois citizen over 21 years old to possess up to 30 grams of cannabis. First, section 10-35 prohibits a person from possessing cannabis in a vehicle “unless the cannabis is in a reasonably secured, sealed or resealable container and reasonably inaccessible while the vehicle is moving.” 410 ILCS 705/10-35(a)(2)(D). Section 10-35 also states that the Regulation Act “does not permit any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for \*\*\* (3) using cannabis \*\*\* (D) in any motor vehicle \*\*\* [or] (F) in any public place.” Additionally, “within the same public act that created the Regulation Act, the legislature amended the [Illinois] Vehicle Code to prohibit the possession of cannabis in a motor vehicle unless it is stored in a ‘sealed, odor-proof, child-resistant cannabis container.’” The supreme court has construed this provision of the Vehicle Code to add an “ ‘additional requirement’ beyond the possession requirements in the Regulation Act: namely, that the cannabis be stored in an odor-proof container.” Moreover, it remains illegal to drive or be in actual physical control of a vehicle if, among other things, a person (1) is “under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving” or (2) “has, within 2 hours of driving or being in actual physical control of a vehicle, a tetrahydrocannabinol concentration in the person’s whole blood or other bodily substance.”

**FINDINGS:** The appellate court concluded that a warrantless free-air sniff of a vehicle during a lawful traffic stop by a dog trained to alert to the presence of cannabis did not constitute an unlawful search on the ground that the dog might be alerting to a person’s lawful possession of cannabis. **WHY:** *The Court held that although it was lawful for person over 21 to possess up to 30 grams of cannabis, the drugs besides the cannabis that the dog was trained to detect, namely methamphetamine, heroin, and cocaine, continued to be unlawful to possess in whatever quantity in a car or anywhere else, and the cannabis remained primarily illegal to possess, highly regulated, and legal to possess in a vehicle only under very narrow circumstances prescribed by statute.* U.S. Const. Amend. 4; 410 Ill. Comp. Stat. Ann. 705/1-1 et seq., 705/10-5.

**ISSUE #2:** Did the trial court err by finding that the canine’s positive alert gave the police officers probable cause to search defendant’s truck?

**FINDINGS:** The appellate court concluded that because it had determined that Hoskins had not demonstrated that the dog sniff itself constituted an unlawful search, it also rejected Hoskins’s second argument on appeal—namely, that the trial court erred by finding that the dog’s positive alert gave the police officers probable cause to search defendant’s truck. The Court declared that as it had discussed in the case of *People v. Mallery*, 2023 IL App (4th) 220528, a positive alert by a drug detection dog provides probable cause for the search of a vehicle.

**CONCLUSION:** The appellate court affirmed the judgment of the circuit court in denying the motion to suppress and affirmed Hoskins’ conviction based upon a search of his truck that was supported by the positive alert by the drug detection dog.

## **QUIZ QUESTIONS FOR THE MONTH OF JANUARY – 2026**

### **People v. Robert W. Hoskins, 2025 IL App (4th) 240991, July 31, 2025.**

1. As a general rule, warrantless searches violate the Fourth Amendment rights of the person being searched.
  - a. True.
  - b. False.
2. Can Officers ever legally conduct a warrantless search of a vehicle?
  - a. Yes.
  - b. No.
3. Did the K-9 sniff conducted in this case constitute an illegal search of the Hoskins vehicle?
  - a. Yes.
  - b. No.
4. Because cannabis is now legal to possess and use in Illinois, an alert from a K-9 trained to detect cannabis may not be used to provide probable cause to search a vehicle because the canine might be detecting the presence of legal cannabis.
  - a. True.
  - b. False.

**QUIZ ANSWERS AND DISCUSSION FOR THE MONTH OF QUIZ QUESTIONS FOR THE MONTH  
OF JANUARY – 2026**

**People v. Robert W. Hoskins, 2025 IL App (4th) 240991, July 31, 2025.**

1. As a general rule, warrantless searches violate the Fourth Amendment rights of the person being searched.  
  
**a. True.** “Generally, a search is per se unreasonable if conducted without a warrant supported by probable cause and approved by a judge or magistrate.”
  
2. Can Officers ever legally conduct a warrantless search of a vehicle?  
  
**a. Yes.** Because an automobile is easily moved, “render[ing] it impracticable to secure a warrant before the automobile escapes the jurisdiction in which the warrant must be sought,” a warrantless search of an automobile is not per se unreasonable. Nonetheless, a warrantless search of an automobile must still be supported by probable cause.
  
3. Did the K-9 sniff conducted in this case constitute an illegal search of the Hoskins vehicle?  
  
**b. No.** The appellate court declared that the K-9 sniff in this case did not constitute a search of the Hoskins vehicle
  
4. Because cannabis is now legal to possess and use in Illinois, an alert from a K-9 trained to detect cannabis may not be used to provide probable cause to search a vehicle because the canine might be detecting the presence of legal cannabis.  
  
**b. False.** The appellate court in this case concluded that the alert from the K-9 in this case did provide probable cause to support a search of the suspect vehicle despite the fact that the K-9 was trained to detect cannabis.