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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

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Month of April – 2026 - ALTERNATIVE

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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

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People v. Andre White, 2025 IL App (2d) 240477, December 30, 2025.

THE CASE: The Officer in this case used an “upholstery tool” to assist in searching an area behind a panel in White’s car during a consent search. Was that search legal? [This was a Majority Decision with one Justice dissenting (the Dissent.)]

FACTS: The arresting Officer saw a black Chevrolet SUV that “appeared to be speeding in the left lane on a three-lane highway.” He used his radar and determined that the vehicle was going 75 miles per hour in a 70 miles per hour zone. The Officer activated his lights, and the driver of the vehicle, White, pulled over immediately. White was alone. The Officer told White that he had stopped him for speeding and a left-lane violation. At the Officer's request, White produced his driver's license, proof of insurance, and a rental agreement for the vehicle. The Officer directed White to step out of the vehicle and noted the odor of raw cannabis. The Officer added that “[u]pon approaching the vehicle, [he] smelled an odor of unburned cannabis in the vehicle.” White was cooperative.

The Officer asked White to sit in the front seat of his squad car. While in the front seat, the Officer asked White about where he lived, his criminal history, and his destination. White “cooperatively answered [his] questions.” The Officer asked if there was anything illegal in the vehicle and whether there was any cannabis in the vehicle. White stated that there was not but admitted smoking some cannabis in the vehicle earlier. The Officer asked whether the vehicle contained cocaine, heroin, methamphetamine, or guns. White replied that it did not. The Officer testified that he “asked [White] if [he could] search his vehicle to make sure there's nothing illegal in the vehicle and [White] responded, yeah, [the Officer could] search.” The Officer did not tell White that he would be using a tool during the search. Before beginning the search, the Officer went to the passenger side of his squad car to make sure White did not possess a weapon. He asked White if he had cannabis on him, as “it smelled like he had marijuana on his person.” White answered, “No.”

The Officer searched the front passenger compartment of White's vehicle. He checked whether any panels were loose on the front console using a “plastic upholstery tool.” He denied the tool was a “small hand-held crowbar” (at trial, the Officer testified that it was “a blue Desert Snow plastic upholstery tool designed to remove panels in vehicles safely and without causing damage.”). The Officer removed a panel where the airbag and glove compartment met. Defense counsel asked, “And you used your upholstery tool to break that off of the side?” Weston replied, “Not to break it, to pry it off, yes.” Defense counsel then queried, “Well, the plastic tabs broke when you removed it, correct?” Weston answered, “I'm not sure they broke. I believe they came open.” Weston was unable to access the glove compartment. He then searched the rear of the passenger compartment. The Officer sat in the rear passenger-side seat. He noted that “the rear climate control of the back of the center console where the air conditioning comes out was pried at the bottom and appeared to be loose.” He used the upholstery tool to remove the panel, where he observed a “vacuum-sealed bag that contained what looked like a white powdery substance.” That bag contained various controlled substances.

Thereafter, White was charged with multiple counts of the possession of controlled substances with the intent to deliver. Prior to his trial, White moved to suppress all evidence discovered by the Officer and argued that the Officer’s search was illegal because, by using a “tool” to remove panels, the search exceeded the consent White had given. Following a hearing, the trial court denied White’s motion to suppress and thereafter convicted him as charged. White filed a post-trial motion and attacked the trial court’s judgment. The trial court denied White's posttrial motion. White then brought this appeal.

ARGUMENT: On appeal, White raised a single, overarching issue: whether the Officer's search of his vehicle was constitutionally unreasonable. He argued that the Officer's use of a “pry bar” to remove the rear of the center console was beyond the consent he granted to search his vehicle. He also argued that the Officer lacked probable cause to search the vehicle, that the search conducted by the Officer was unreasonable in that it was “invasively executed,” and that the search could not be justified as being a search incident to arrest.

THE LAW: Motion to Suppress: When a defendant moves to suppress evidence, he or she bears the burden of proof at a hearing on that motion. Defendants must make a prima facie case that the evidence was obtained by an illegal search or seizure; the defendant meets this burden by showing that a warrantless search was conducted. If a defendant is successful in making a prima facie case that the evidence was obtained by an illegal search or seizure, the burden shifts to the People to go forward with evidence to counter the defendant's prima facie case. **Warrant Exceptions:** A warrantless search is generally considered unreasonable unless it falls within one of several well-established exceptions. **Automobile Exception:**

The automobile exception to the Fourth Amendment's search warrant requirement permits a warrantless search of a vehicle so long as probable cause for a search exists. **Consent Exception:** A warrantless search is not considered unreasonable where a defendant consents to the search. An individual may consent to a search conducted without a warrant, thereby eliminating the need for probable cause and a search warrant. The standard for measuring the scope of a suspect's consent to a search is that of objective reasonableness, which requires consideration of what a typical reasonable person would have understood by the exchange between the officer and the suspect. The scope of consent to a search is ordinarily defined by the express object or purpose of the search to which a defendant has consented. By stating the intended object of the search either directly or by revealing a suspicion of specific criminal activity, a police officer not only apprises the suspect that his constitutional rights are being impacted, but he also informs the suspect of the reasonable parameters of his inquiry. A defendant's general consent to search a vehicle does not necessarily authorize an officer to break into locked containers or otherwise do physical damage to the vehicle in carrying out the search. Consent to search for drugs entails consent to search where drugs may be found. The disassembly of a vehicle does not render a search unreasonable as long as the vehicle is not damaged during the Officer's search.

ISSUE: Did the Officer's use of an upholstery tool to remove a panel on the center console of White's car fall within the scope of White's consent to the officer's search of his car?

KEY CASE FOR THE PEOPLE: *People v. Kats*, 2012 IL App (3d) 100683. In *Katz*, a police officer discovered cannabis behind the panel of the rear passenger-side door during a search of the defendant's vehicle. The officer used a screwdriver and an "upholstery tool" to pry open the door panel. The defendant had assented when the officer asked if he could search the defendant's "vehicle and its contents" for "contraband." The *Kats* court held that the search was within the scope of the defendant's consent, explaining: "Under the facts presented here, we hold that [the officer's] search was within the scope of the consent given by the defendant. [The officer] asked the defendant if [he] could search the 'vehicle and its contents' for 'contraband.' The defendant answered 'yes.' It would be reasonable to find contraband hidden behind a removable door panel. Thus, a reasonable person in the defendant's position would have understood that he had authorized [the officer] to search behind the vehicle's door panels, particularly where (as here) the panels could be easily removed and replaced, and the search could be accomplished without causing any structural damage to the car. [The officer] did not alter or damage the vehicle or remove anything that could not be easily replaced. Rather, he merely used a screwdriver to pry open a door panel—a panel which he testified was already slightly ajar—so that he could peer into the space behind it. Given the minimally invasive manner in which this search was conducted and the unlimited consent given by the defendant, we hold that [the officer's] search did not exceed the scope of consent."

ARGUMENT: In response to *Katz*, White argued that the Officer in his case damaged his car when he pried off the panels in order to discover the contraband.

FINDINGS: The appellate court noted that White offered no citation to the record to substantiate this proposition, which was perhaps unsurprising, for, the trial court expressly declined to find that the Officer damaged White's vehicle and the evidence of record indicated otherwise. In short, the appellate court rejected White's attempt to distinguish *Kats*.

KEY CASE FOR WHITE: *People v. Davis*, 2019 IL App (1st) 160408. In *Davis*, a police officer asked the defendant if there were any drugs in the vehicle the defendant was operating. The defendant replied, "There's no drugs in the car, go ahead and search it ***." The First District found that this grant of consent did not authorize the officer to search a secret compartment in the back of the passenger compartment. The *Davis* court stated that the officer "had no objective information leading him to reasonably believe *** that he had been given permission to remove interior panels." The Court in this case disagreed with the *Davis* Court and concluded that it is well established that consent to search for drugs entails consent to search where drugs may be found. The Court concluded that "(b)y consenting to a search after the officer inquired about illegal drugs, a reasonable person in the position of the defendant in *Davis* surely would have realized that the search in question would encompass hiding places that could hold drugs." The Court therefore declined to follow *Davis*.

EDITOR'S NOTE: What we have here is a conflict of Districts. It would appear that in the First District (at least according to *Davis*), the search of White's car would have been illegal. However, in the Second District, (according to this case), the search of White's car was legal. In the other Districts (Third, Fourth & Fifth), where this issue has not yet been confronted, the trial court can choose which case (*White* or *Davis*) to follow. Those Districts could then decide this issue.

CONSLUSION: The Appellate Court concluded that the Officer's search of White's vehicle did not exceed the scope of White's consent. Therefore, the Officer's search was legal, and the trial court correctly denied White's motion to suppress. The Dissent disagreed with the Majority, and concluded that the search in this case went beyond White's consent.

QUIZ QUESTIONS FOR THE MONTH OF APRIL – 2026 - ALTERNATIVE

People v. Andre White, 2025 IL App (2d) 240477, December 30, 2025.

1. In Illinois, a warrantless search is considered to be illegal unless that search falls within one of the recognized exceptions to the Fourth Amendment's warrant requirement.
 - a. True.
 - b. False.

3. Can a suspect voluntarily consent to a warrantless search of his or her property?
 - a. Yes.
 - b. No.

3. In this case, the Arresting Officer asked, "[defendant] if [he could] search his vehicle to make sure there's nothing illegal in the vehicle and [defendant] responded, yeah, [the Officer could] search." This request of the Officer constituted a valid request for consent to search White's car for illegal drugs and White's affirmative response constituted a valid consent to that search.
 - a. True.
 - b. False.

4. While searching White's car, the Officer used a "tool" to assist him in prying off a panel inside the car. Did the Officer's search of the area behind the panel and his use of a "tool" to access that area exceed the scope of White's consent to search and, therefore, did the search of the area behind the panel constitute an illegal search of White's car.
 - a. Yes.
 - b. No.

QUIZ ANSWERS FOR THE MONTH OF APRIL – 2026 - ALTERNATIVE

People v. Andre White, 2025 IL App (2d) 240477, December 30, 2025.

1. In Illinois, a warrantless search is considered to be illegal unless that search falls within one of the recognized exceptions to the Fourth Amendment's warrant requirement.
 - a. True. As this court noted: "A warrantless search is generally considered unreasonable unless it falls within one of several well-established exceptions. People v. Eubanks, 2024 IL App (1st) 221229, ¶ 13, 481 Ill. Dec. 585, 255 N.E.3d 378.
3. Can a suspect voluntarily consent to a warrantless search of his or her property?
 - a. Yes. "It is well settled that an individual may consent to a search conducted without a warrant, thereby eliminating the need for probable cause and a search warrant" People v. Ledesma, 206 Ill. 2d 571, 592, 276 Ill. Dec. 900, 795 N.E.2d 253 (2003).
3. In this case, the Arresting Officer asked, "[defendant] if [he could] search his vehicle to make sure there's nothing illegal in the vehicle and [defendant] responded, yeah, [the Officer could] search." This request of the Officer constituted a valid request for consent to search White's car for illegal drugs and White's affirmative response constituted a valid consent to that search.
 - a. True. This Court concluded that under the circumstances of this case, the Officer asked for and received a valid consent to search White's car. Therefore, pursuant to the "consent" exception to the Fourth Amendment's warrant requirement, the warrantless search White's car was legal.
4. While searching White's car, the Officer used a "tool" to assist him in prying off a panel inside the car. Did the Officer's search of the area behind the panel and his use of a "tool" to access that area exceed the scope of White's consent to search and, therefore, did the search of the area behind the panel constitute an illegal search of White's car.
 - b. No. The appellate court gave two responses to this question. First, the Court held that a suspect's consent to the search of a vehicle specifically looking for contraband or illegal substances must include consent to search areas where those items could be found. The Court in this case declared that since areas behind a vehicle's removable panels are often used to hide contraband, White's consent to search specifically for illegal drugs must have included consent to search behind the removal panels. Second, the Court noted that, as a general rule, the disassembly of a vehicle during a consent search does not violate a valid consent to search as long as the conduct of the Officers does not damage the vehicle being searched. In this case, the Court noted that White failed to show that his car was damaged when the Officer used a tool to pry off the panel in order to conduct the search. Therefore, the Court held that since the use of a tool to assist in disassembling White's car did not damage White's car, the use of the tool did not exceed White's consent to search and was not illegal.