

# ***ILLINOIS PROSECUTOR SERVICES, LLC***

19650 S. Standard City Road, Carlinville, IL 62626

Phone: (217) 854-8041

Website: [www.ipsllonline.com](http://www.ipsllonline.com)

E-mail: [don@ipsllonline.com](mailto:don@ipsllonline.com)



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

**By Don Hays**

Month of May – 2026

## LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

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### People v. Dustin Molitor, 2026 IL App (2d) 240644, February 27, 2026.

**THE CASE:** The police were called concerning an alleged retail theft. Molitor was identified by store employees as a potential suspect. Officers confronted Molitor, frisked him, seized his wallet, search his wallet, and discovered a controlled substance. The trial court denied Molitor’s motion to suppress the evidence discovered in his wallet. Did the trial court err when it refused to suppress the evidence seized as a result of the search of Molitor’s wallet?

**FACTS:** On the evening in question, three Officers (Officers A, B, and C) responded to a store in connection with a retail theft report. Once inside the store, they encountered Molitor in the customer line. The Officers approached Molitor, had him exit the check-out line, questioned him. During this questions, an Officer seized Molitor’s wallet, searched it, and discovered contraband. Based upon this evidence, Molitor was charged with a drug offense. Prior to his trial, Molitor moved to suppress the evidence the Officers discovered in his wallet. During a hearing on Molitor’s motion to suppress, a short video was played. The four-minute video consisted of a split screen of Officer A's and C’s bodycam footage. The video showed the three Officers entering the store and approaching the checkout lane, where Molitor was standing. When Officer A asked a store employee at the checkout lane where the suspect was, she pointed to Molitor. Molitor then opened his backpack and showed it to Officer A, saying, “You can look through it.” Officer A stated, “I'm just gonna pat you down real quick, make sure you don't got any weapons. Keep your hands out of your pockets.” Officer A then directed Molitor to place his hands on the back of his neck. Officer A moved Molitor away from the checkout lane to another part of the store. Molitor denied taking anything. Officer B then motioned toward Officer C, who was holding the backpack, and Molitor agreed to a search of his backpack. When Officer A pulled a wallet out of Molitor's front sweatshirt pocket, Molitor said, “That's my wallet and my card. I'm trying to pay for my food. I think this is bull\*\*\*.” Officer A then put the wallet back in Molitor's pocket and asked if Molitor had an ID in the wallet. Defendant replied, “Yeah, no. I don't actually.” Officer A asked, “You don't?” Molitor replied, “No.” Molitor continued to deny taking anything. Officer B advised Officer A to “[g]et that wallet again.” Officer A retrieved the wallet, unfolded it, and pulled out a loose card. Officer A handed the items to Officer B. Officer B looked at the card and asked Molitor if his name was “Dustin,” to which Molitor answered, “Yeah.” As Officer C searched the backpack, he removed a bowl pipe and a small plastic bag from a side pocket and then placed the items back into the backpack. Officer B then told Officer A to place Molitor in handcuffs. Pointing to the wallet, Officer B asked, “What is this in there?” Molitor replied, “It's just medicine.” Defendant put his hands behind his back, and the video ended.

Molitor was subsequently charged with Unlawful Possession of a Controlled Substance based upon items the Officers discovered in Molitor’s wallet. He then moved to suppress the drugs the Officers discovered. Following a hearing on Molitor’s motion, the trial court denied Molitor's motion to suppress. The trial court framed the question as whether the pat-down search exceeded the officers’ authority. The court determined that the officers “did have a right to pat [defendant] down. They ha[d] a right to pat him down for contraband and/or weapons at that point.” The court noted that “defendant ha[d] made comments when he was on the phone that he either misplaced his wallet, something to that effect. So there was not a wallet supposedly present.” When the officers patted defendant down, they “fe[lt] in the pocket a square object that may or may not be a wallet, may or may not be contraband.” The court did not think “anyone in the [sic] right imagination would consider what they felt would be a weapon,” and “[i]n fact, the officer said they [sic] didn't think there was a weapon.” The trial court concluded its ruling by stating: “[B]ecause I find that the officers had a right to pat down the defendant for contraband, that when they found what they felt was a square object [that] could have been contraband, they had a right to look at it. Once they realized it was a wallet and the defendant said he didn't have it, they had a right to open it and based upon his—the officer's training and expertise in the area, he believed he found contraband and doesn't have to ignore it. He can go in and see if, in fact, it was contraband. It was. He was arrested. Therefore, the motion will be respectfully denied.”

After a stipulated bench trial, Molitor was found guilty. This appeal followed.

**QUESTION:** Did the trial court properly deny Molitor’s motion to suppress?

**ARGUMENT:** Molitor did not challenge the initial stop in this case. He challenged only the ensuing frisk, or pat-down, which he claimed was “unlawful from its inception.” He argued that it was “objectively unreasonable for the officers to believe they were in danger or that [defendant] was armed with a weapon,” given that “[t]he only crime being investigated

was [a] retail theft.” Molitor concluded that because there were no specific, articulable facts supporting a concern for safety, no frisk was permissible.

**ISSUE #1: Scope of Terry Frisk.** Molitor first took issue with the trial court's determination that the frisk the Officers conducted was lawful because the officers “ha[d] a right to pat [defendant] down for contraband and/or weapons.” Molitor argued that the court's reasoning “was contrary to law” in that police were allowed to frisk defendant “only for weapons, not contraband generally.”

**FINDINGS:** The Court of Appeals agreed with Molitor that based on *Terry*, the scope of an officer's pat-down must be limited to a search for weapons, not the gathering of evidence, such as contraband. In this case, Officer A testified that he conducted a pat-down search of defendant for weapons. The Court noted that the bodycam footage confirmed Officer A's testimony, in that Officer A advised Molitor, “I'm just gonna pat you down real quick, make sure you don't got any weapons.” [The Court commented: “While it is seriously doubtful that a pat-down search should have occurred at all, we assume, arguendo, that the pat-down was proper at its inception. We face then the issue of whether the subsequent removal and search of defendant's wallet exceeded the scope of a permissible pat-down search.”]

**ISSUE #2: Scope of the Terry Frisk.** Did the conduct of the Officers in seizing and searching the contents of the wallet exceed the scope of a proper *Terry* frisk.

**THE LAW:** In order for a frisk, i.e., a pat-down search for weapons, to be constitutionally reasonable, “(1) the stop must be proper, (2) the officer must have reason to know that the defendant is armed and dangerous, and (3) the scope of the search must be strictly limited to a search for weapons.” “[T]he right to frisk [the] defendant did not automatically follow from the fact that the stop was proper.” “The sole justification for the frisk is to protect the police officer and others in the vicinity, not to gather evidence.” Therefore, the scope of the search is strictly limited to a search for weapons. “The officer need not be absolutely certain that the individual is armed; the issue is whether a reasonably prudent man in the circumstances would be warranted in the belief that his safety or that of others was in danger.” But the officer “must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion.” “When reviewing the reasonableness of an officer's conduct, it is appropriate to give due weight to ‘the specific reasonable inferences which [the officer] is entitled to draw from the facts in light of his experience.’ ”

**FINDINGS:** The appellate court concluded that the search of the wallet was improper in its scope. According to the Court, the Officers testified that they had no fear for their safety while interacting with Molitor. They also testified that the pat-down search of Molitor revealed no weapons. Yet, though rightly convinced that the wallet itself was not a weapon, Officer B believed that Molitor's demeanor warranted a search of the wallet to see if it contained a weapon. The trial court, however, found that the wallet presented no potential threat. Further, the People did not argue that the wallet was properly searched as a potential threat. The Court then concluded that even if the People did so argue, the Court would not disturb the trial court's finding and would thus conclude that Officer B had no valid safety concern about the wallet when the officers removed it a second time from Molitor's person and searched it. By any sound *Terry* analysis, the search of the wallet was impermissible.

**ISSUE #4: Privacy Interest in the Wallet.** Did the statements of Molitor that he had lost his wallet indicate that he no longer had a privacy interest in that wallet?

**FINDINGS:** By listening to the Body Camera footage, the appellate court concluded that Molitor never denied that the wallet was his despite that fact that he mentioned in passing, that he had previously lost his wallet. In fact, the footage proved that Molitor claimed the wallet as his no less than three times.

**ISSUE #3: Search Incident to Arrest.** The backpack contained contraband, drug paraphernalia? Was this sufficient to justify Molitor's arrest and a warrantless search of his wallet?

**FINDINGS:** The appellate court agreed that the discovery of the paraphernalia could have justified Molitor's arrest. However, body camera footage clearly showed the Molitor was not arrested until after the Officers discovered the contraband in his wallet. Therefore, the People could not use the “search incident to an arrest” exception to justify their warrantless search because at the time the wallet was searched, Molitor was not under arrest.

**CONCLUSION:** The Court of Appeals concluded that the scope of the search of Molitor's wallet exceeded what is constitutionally permissible under *Terry*, and it reversed the trial court's order denying defendant's motion to suppress..

**QUIZ QUESTIONS FOR THE MONTH OF MAY – 2026**

**People v. Dustin Molitor, 2026 IL App (2d) 240644, February 27, 2026.**

1. The Fourth Amendment is not violated when police officers conduct a “frisk” of a suspect based upon their reasonable belief that the suspect may be presently armed and dangerous.
  - a. True.
  - b. False.
  
2. Pursuant to the Fourth Amendment, a *Terry* frisk is always justified if the Officer can show that the original *Terry* stop was justified.
  - a. True.
  - b. False.
  
3. The appellate court listed three factors that must be present in order for a *Terry* frisk to be constitutional. Which one of the following provisions was ***not*** one factor listed by the Court in this case?
  - a. the stop must be proper.
  - b. the officer must have reason to know that the defendant is armed and dangerous.
  - c. the suspect has a prior history of being armed and dangerous.
  - d. the scope of the search must be strictly limited to a search for weapons.
  
4. In order for an Officer to conduct a lawful *Terry* frisk, must the Officer be absolutely certain that the individual is armed?
  - a. Yes.
  - b. No.

**QUIZ ANSWERS AND DISCUSSION FOR THE MONTH OF MAY – 2026**

**People v. Dustin Molitor, 2026 IL App (2d) 240644, February 27, 2026.**

1. The Fourth Amendment is not violated when police officers conduct a “frisk” of a suspect based upon their reasonable belief that the suspect may be presently armed and dangerous.

**a. True.** This is called a *Terry* frisk and such frisks, if properly supported, do not violate the Fourth Amendment.

2. Pursuant to the Fourth Amendment, a *Terry* frisk is always justified if the Officer can show that the original *Terry* stop was justified.

**b. False.** This Court declared, “This court has explained that whether an investigatory stop is valid is a separate question from whether an ensuing frisk is valid.” *Baker*, 2020 IL App (2d) 180300, (“[T]he right to frisk [the] defendant does not automatically follow from the fact that the stop was proper.”). *People v. Davis*, 352 Ill. App. 3d 576, 580, (2004).

3. The appellate court listed three factors that must be present in order for a *Terry* frisk to be constitutional. Which one of the following provisions was **not** one factor listed by the Court in this case?

**c. the suspect has a prior history of being armed and dangerous.**

4. In order for an Officer to conduct a lawful *Terry* frisk, must the Officer be absolutely certain that the individual is armed?

**b. No.** This Court held that “The officer need not be absolutely certain that the individual is armed; the issue is whether a reasonably prudent man in the circumstances would be warranted in the belief that his safety or that of others was in danger.”