

¶ 4

I. BACKGROUND

¶ 5 On September 8, 2010, Bloomington police officer Scott Sikora stopped a Chrysler 300M that defendant was driving. Officer Sikora had observed that the Chrysler's rear registration light, which illuminates the license plate, was out and that defendant was speeding. He arrested defendant after discovering that defendant's driver's license was revoked. The next day, the State charged defendant by information with driving while his license was revoked. 625 ILCS 5/6-303(a) (West 2010). The State alleged that defendant had four prior convictions for the same offense, making this one a Class 4 felony. 625 ILCS 5/6-303(d-3) (West 2010). On September 22, 2010, the McLean County grand jury indicted defendant on the same charge.

¶ 6 In October 2010, defendant filed a motion to "quash arrest" and suppress evidence. Defendant asserted that the traffic stop was invalid because the Chrysler's rear registration light was working and Officer Sikora lacked a reasonable justification for initiating the stop.

¶ 7 In November 2010, the trial court held a suppression hearing on defendant's motion. Evidence consisted of testimony by defendant and Officer Sikora and the video recording of the traffic stop taken from Officer Sikora's patrol car. Defendant testified that he was sure that the Chrysler's rear registration light was working because he had seen it in operation two days before his arrest. He also testified that he was not speeding when he was pulled over.

¶ 8 Officer Sikora testified that he observed defendant drive through an intersection that Officer Sikora was approaching. As defendant passed, he saw that the rear registration light on the car defendant was driving was not working. He turned at the intersection to follow

defendant and observed defendant accelerate. Officer Sikora suspected that defendant was possibly trying to evade him, so he tried to catch up. Based on Officer Sikora's observations and his prior experience gauging other cars' speeds, Officer Sikora testified that defendant was driving "at least 50 miles an hour, if not more," where the speed limit was 35 miles per hour. Officer Sikora neither recorded the Chrysler's speed with a speed-detection device nor cited defendant for speeding. Believing that defendant had violated the traffic laws by operating a vehicle without a rear registration light and speeding, Officer Sikora stopped defendant. The stop culminated in defendant's arrest.

¶ 9 Officer Sikora explained what was shown in the video recording as it was played in the courtroom. He described seeing the Chrysler pass through the intersection that he was approaching. At that point, the video did not show the Chrysler's rear although that was when Officer Sikora first saw that its registration light was out. After Officer Sikora turned to follow defendant, the Chrysler could be seen in the left westbound lane, with another car in the right lane next to it. Officer Sikora explained that, as those cars followed a bend in the road, a brief difference in the brightness of the rear license plates showed that the Chrysler had a nonfunctioning rear registration light whereas the car to its right had a working one. At other times in the video, the Chrysler's rear license plate was illuminated by other cars' headlights.

¶ 10 The trial court found the stop was justified by Officer Sikora's observations that the Chrysler's rear registration light was not working and that defendant was speeding. Accordingly, it denied defendant's motion to "quash arrest" and suppress evidence.

¶ 11 In December 2010, the trial court held a bench trial on stipulated evidence. Defendant maintained that the court had erred in denying his motion to "quash arrest" and

suppress evidence. He also argued that the stipulated evidence did not prove him guilty beyond a reasonable doubt of driving while his license was revoked. The court found defendant guilty.

¶ 12 In March 2011, the trial court denied defendant's motion for a new trial, in which defendant again claimed the court erred in denying his motion to "quash arrest" and suppress evidence. The court sentenced defendant to three years in prison. In July 2011, the court denied defendant's motion to reconsider sentence.

¶ 13 This appeal followed.

¶ 14 II. ANALYSIS

¶ 15 On appeal, defendant argues the trial court erred in denying his motion to "quash arrest" and suppress evidence. Specifically, he maintains that Officer Sikora lacked an objectively reasonable justification for effecting the traffic stop that led to defendant's arrest. We disagree.

¶ 16 We review the trial court's findings of fact on a motion to suppress "only for clear error, giving due weight to any inferences drawn from those facts by the fact finder." *People v. Hackett*, 2012 IL 111781, ¶ 18, 971 N.E.2d 1058, 1063. Reversal is warranted if those factual findings are against the manifest weight of the evidence. *Id.* "However, a reviewing court remains free to undertake its own assessment of the facts in relation to the issues and may draw its own conclusions when deciding what relief should be granted." *Id.* We review the trial court's ultimate legal ruling on a motion to suppress *de novo*. *Id.*

¶ 17 Traffic stops are seizures of persons subject to the fourth amendment's reasonableness requirement. *Id.* at ¶ 20, 971 N.E.2d at 1063. A traffic stop that is justified by a police officer's "reasonable, articulable suspicion" sufficient to support a *Terry*-type investigative

stop is generally valid. (Internal quotation marks omitted.) *Id.*, 971 N.E.2d at 1064. Under that standard, an officer "may conduct a brief, investigatory stop of a person where the officer can point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant the intrusion." *Id.* For example, an investigatory traffic stop is generally warranted when a police officer observes what he reasonably believes is a violation of the traffic laws. See, e.g., *People v. Close*, 238 Ill. 2d 497, 509-10, 939 N.E.2d 463, 470 (2010) (indicating a police officer would have been justified in effecting a traffic stop if he had a reasonable, articulable suspicion that the defendant was driving while his license was revoked). Because "a traffic stop may be justified on something less than probable cause," it is unnecessary for the police officer effecting the stop to believe that each element of a particular offense is satisfied by the defendant's acts. *Hackett*, 2012 IL 111781, at ¶ 28, 971 N.E.2d at 1066. Rather, it is sufficient if the officer's observations justify a reasonable belief that a violation probably occurred; the officer may properly use the ensuing investigation either to confirm or to dispel the suspicion of illegality. *Id.* The fourth amendment precludes the use of evidence obtained as a result of an unlawful investigative stop. *People v. Dent*, 343 Ill. App. 3d 567, 577, 797 N.E.2d 200, 208 (2003).

¶ 18 The trial court in this case did not err in finding that Officer Sikora's stop of the Chrysler defendant drove was supported by a reasonable suspicion that defendant violated the traffic laws. According to Officer Sikora, the stop was justified in part by defendant's suspected violation of the requirement that each vehicle be equipped with lights that illuminate the rear registration plate to render it clearly legible from a distance of 50 feet behind the vehicle whenever the head lamps or auxiliary driving lamps are lighted. 625 ILCS 5/12-201(c) (West

2010). The court specifically found that the video recording taken from Officer Sikora's patrol car showed a "stark contrast" between a car with the required rear registration light and the car defendant was driving. Accordingly, the court found that the video corroborated Officer Sikora's testimony that he observed the Chrysler's rear registration light not functioning.

¶ 19 Defendant contends the video recording contradicts the trial court's finding, but we disagree. Due to the imperfect quality of the video, the darkness at the time of day when the stop was initiated, and the license plate's severe reflectiveness, for much of the recording's duration, it is impossible to tell whether the Chrysler defendant drove was equipped with the required light. However, following along with Officer Sikora's testimony, it is very briefly discernable that the Chrysler's license plate was not illuminated, in contrast with the car in the adjacent lane. Accordingly, we disagree that the court's factual finding based on the video evidence was erroneous.

¶ 20 Moreover, even without the video corroboration of Officer Sikora's testimony, defendant failed to show that Officer Sikora lacked a reasonable suspicion sufficient to justify the stop. Officer Sikora testified that he observed that the Chrysler's rear registration light was off at a time when it was outside the frame of the video recording. A police officer's affirmative testimony that he observed a likely traffic violation can be sufficient to support a trial court's finding that his suspicion of wrongdoing was reasonable enough to justify an investigatory stop. See, *e.g.*, *Hackett*, 2012 IL 111781, at ¶ 28, 971 N.E.2d at 1066. Similarly, Officer Sikora averred that he observed defendant driving at least 15 miles per hour over the speed limit. His estimation of defendant's speed was no mere hunch. Rather, Officer Sikora articulated that his suspicion of defendant's speed-limit violation was based on his observation of how quickly

defendant accelerated after passing the intersection where Officer Sikora's patrol car was stopping, his suspicion that defendant intended to elude him, his observation of how quickly he had to accelerate to catch up to defendant, and the relative speed of his patrol car to the car defendant was driving. Defendant cites no case requiring corroboration of such observations by speed-detection radar to justify an investigatory traffic stop.

¶ 21 Officer Sikora's testimony and the video recording from his patrol car sufficiently supported the trial court's conclusion that the traffic stop culminating in defendant's arrest was justified by a reasonable suspicion of wrongdoing. Accordingly, the court did not err in denying defendant's motion to "quash arrest" and suppress evidence.

¶ 22 In closing, we note this court has stated defendants should stop titling such motions as "motions to quash arrest" when no assertion is made that the arrest is void, and simply title the motions as a "motion to suppress evidence," to properly denominate the appropriate relief. *People v. Hansen*, 2012 IL App (4th) 110603, ¶¶ 60-64, 968 N.E.2d 164, 173-74.

¶ 23 III. CONCLUSION

¶ 24 For the foregoing reasons, we affirm the trial court's judgment. As part of our judgment, we award the State its \$50 statutory assessment as costs of this appeal.

¶ 25 Affirmed.