

Code (625 ILCS 5/11-604 (West 2008)), the defendant asserted, *inter alia*, that the village's failure to fully comply with section 11-604 rendered the ticket that he had been given in the "altered speed zone" unenforceable. The defendant asked the court to accordingly "prohibit the admission of any evidence *** of the defendant's speed."

¶ 5 On February 25, 2010, the cause proceeded to a hearing on the defendant's motion *in limine*. When testifying at the hearing, the defendant identified two photographs of the area of road where he had been stopped (defendant's Exhibits 1 and 2). The photos depict the right side of the road and an adjacent cornfield, and in the distance, past a 30-mile-per-hour speed limit sign, a farmhouse with silos and outbuildings is visible. The defendant indicated that other than the farmhouse, there were no other homes in the area. The defendant further indicated that he had been pulled over as he was heading into the village and had stopped his car "right next to" the speed limit sign.

¶ 6 Chief Shawn Winans of the Village of Irving police department testified that on August 7, 2009, at approximately 5:45 p.m., he was on South Pine Street parked by the village township's maintenance shed "running radar" when the defendant drove by his location at an excessive rate of speed. Winans indicated that the maintenance shed was approximately one block "[f]urther in town" than the 30-mile-per-hour speed limit sign and that "[h]ouses" are also located along South Pine Street. Winans testified that the defendant's car was "at least 500 feet" past the 30-mile-per-hour speed limit sign when he "clocked it." Winans identified a photograph of the maintenance shed as State's Exhibit 1 and a photograph of the area of South Pine Street where the 30-mile-per-hour speed limit sign is located as State's Exhibit 2. When cross-examined, Winans replied "Yes" when asked if the 30-mile-per-hour speed zone in which the defendant had been stopped had been "imposed by the municipality or village."

¶ 7 On March 9, 2010, the trial court entered a written order denying the defendant's

motion *in limine*. With respect to the defendant's arguments regarding the village's alleged failure to comply with section 11-604, the trial court wrote the following:

"The issue that must first be decided is whether the particular spot in which [the] Defendant was stopped and ticketed was an 'urban district.' An urban district is defined as '[t]he territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.' [Citation.] Section 11-601 mandates a speed limit for urban districts of 30 miles per hour. Having reviewed the exhibits from the State and the Defendant and having considered the testimony of the Defendant and the officer, the Court finds that the area at issue is an urban district. As such, the speed zone is in compliance with Section 11-601. Since the [Village] of Irving did not decrease the speed limit of an urban district pursuant to Section 11-604, its requirements are not applicable here."

¶ 8 On March 25, 2010, the defendant filed a motion to reconsider the denial of his motion *in limine*. Referencing Winans's testimony from the hearing on the motion, the defendant argued, *inter alia*, that "the speed zone in question was established by the Village of Irving." Describing the position of the structures pictured in his exhibits, the defendant further maintained that the trial court's finding that the speed zone was in an "urban district" was not supported by the evidence presented for its consideration.

¶ 9 On October 1, 2010, the trial court denied the defendant's motion to reconsider, and following a stipulated bench trial, the defendant was convicted, fined, and sentenced to 90 days' court supervision. The present appeal followed.

¶ 10 ANALYSIS

¶ 11 On appeal, the defendant raises three arguments in support of his contention that the speed zone in which he was stopped and ticketed was an illegal speed zone because the

village failed to comply with the requirements of section 11-604. Each of the defendant's arguments presumes that the village altered the speed limit in the zone from 55 miles per hour to 30 miles per hour, and the defendant supports that presumption by claiming that the evidence before the trial court demonstrated that the speed zone was outside of an urban district. In response, the State argues that the trial court properly determined that the speed zone was in an urban district and further counters the merits of the defendant's arguments regarding the village's alleged noncompliance with section 11-604. We adopt the reasoning of the trial court, however, and find that because the speed zone at issue was in fact located in an urban district, the village did not alter the zone's speed limit, and section 11-604 is therefore inapplicable.

¶ 12 A trial court's ruling on a motion *in limine* is generally reviewed for an abuse of discretion. *People v. Oliver*, 387 Ill. App. 3d 1162, 1167 (2009). Here, however, the defendant's motion was akin to a motion to suppress, and "[w]hen reviewing a trial court's ruling on a motion to suppress, we defer to the trial court's findings of fact, reversing them only if they are against the manifest weight of the evidence, but review *de novo* the court's ultimate determination of whether suppression is warranted." *People v. Burton*, 409 Ill. App. 3d 321, 327 (2011). "Matters of statutory construction and statutory interpretation are also reviewed *de novo*." *People v. Craig*, 403 Ill. App. 3d 762, 765 (2010). "In ruling on a motion to suppress, the trial court must resolve conflicts in the evidence and determine the credibility of the witnesses." *People v. Anderson*, 407 Ill. App. 3d 662, 667 (2011).

¶ 13 The general speed limits for Illinois highways are set forth in section 11-601. 625 ILCS 5/11-601 (West 2008). With some exceptions and requirements, section 11-604 allows local authorities to alter those general speed limits. 625 ILCS 5/11-604 (West 2008). Pursuant to section 11-601(c), the speed limit for an "urban district," which is defined as "[t]he territory contiguous to and including any street which is built up with structures

devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more" (625 ILCS 5/1-214 (West 2008)), is 30 miles per hour, unless some other speed restriction has been established (625 ILCS 5/11-601(c) (West 2008)).

¶ 14 Here, the trial court based its finding that the speed zone at issue was in an urban district on the evidence presented at the hearing on the defendant's motion *in limine*. At the hearing, the defendant indicated that other than the distant farmhouse on the right side of the road where he had been stopped, there were no other houses around, and the photographs that he offered in support of that claim focus on the right side of the road, the adjacent cornfield, and the farmhouse. Winans, on the other hand, indicated that there were multiple houses on South Pine Street, and in State's Exhibit 2, a line of closely positioned homes resembling a residential street is clearly visible on the left side of the road, across the street from the cornfield and the farmhouse. Under the circumstances, the trial court's conclusion that the speed zone at issue was contiguous to an area consisting of dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile was not against the manifest weight of the evidence. Furthermore, as a matter of statutory interpretation, the trial court correctly determined that section 11-604 was inapplicable given that the general speed restriction of 30 miles per hour had not been altered by the village.

¶ 15 On appeal, suggesting that the parties stipulated that past the 30-mile-per-hour speed limit sign, there were only four structures on South Pine Street before the edge of the village, the defendant maintains that the stipulated evidence "established beyond all doubt" that the speed zone at issue was not in an urban district. A review of the record reveals, however, that the parties actually stipulated that past the 30-mile-per-hour speed limit sign, there were only four structures on "Hill Street." Moreover, even correcting for what appears to have been a scrivener's error, the trial court was not required to accept the parties' stipulation as

accurate, nor was it required to accept as "authoritative" Winans's suggestion that the village had established the 30-mile-per-hour speed zone. *People v. Jefferson*, 183 Ill. App. 3d 497, 501 (1989).

¶ 16

CONCLUSION

¶ 17 The evidence before the trial court supported its finding that the speed zone in which the defendant had been stopped and ticketed was in an urban district, and the court correctly determined that section 11-604 was inapplicable under the circumstances. Accordingly, the trial court's judgment denying the defendant's motion *in limine* is hereby affirmed.

¶ 18 Affirmed.