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2013 IL App (3d) 120302-U

Order filed February 26, 2013

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

A.D., 2013

CITY OF JOLIET,)	Appeal from the Circuit Court
)	of the 12th Judicial Circuit,
Plaintiff-Appellee,)	Will County, Illinois,
)	
v.)	Appeal No. 3-12-0302
)	Circuit No. 12-TR-4173
)	
MARIO A. REED,)	Honorable
)	Marilee Viola,
Defendant-Appellant.)	Roger Rickmon,
)	Judges, Presiding.

JUSTICE LYTTON delivered the judgment of the court.
Presiding Justice Wright and Justice O'Brien concurred in the judgment.

ORDER

- ¶ 1 *Held:* Police officer was not prohibited from using a speed detection device within 500 feet of speed limit sign where the sign did not reduce the speed limit.
- ¶ 2 An officer employed by plaintiff City of Joliet issued defendant Mario Reed citations for speeding and failing to timely report a change in address. Defendant filed a motion to quash his traffic stop and suppress evidence of his speeding. The trial court denied the motion and found

defendant guilty of the violations alleged in the citations. On appeal, defendant argues that the trial court erred in denying his motion to quash and suppress. We affirm.

¶ 3 On January 6, 2012, Officer Donald Karcz, Jr. of the Joliet police department issued defendant two traffic citations: one for speeding on Theodore Road in Joliet, and one for failing to timely report a change in address. Karcz determined that defendant was traveling 44 miles per hour in a 30 mile per hour zone by using a radar speed detection device.

¶ 4 On February 16, 2012, defendant filed a motion to quash the traffic stop and suppress evidence of his speeding. In his motion, defendant argued that Karcz violated section 11-602 of the Illinois Vehicle Code (Code) (625 ILCS 5/11-602 (West 2010)) by using an electronic speed-detecting device within 500 feet of a speed limit sign.

¶ 5 A hearing was held on defendant's motion. At the hearing, Karcz testified that he was on duty on Theodore Street in Joliet on January 6, 2012, at approximately 10:50 a.m. Karcz was traveling eastbound on Theodore Street approximately 528 feet from its intersection with Delrose Street, when he saw defendant's vehicle traveling westbound on Theodore Street. Karcz activated his mobile radar unit when he was approximately 50 to 60 yards from defendant's vehicle. It had been his experience that he could obtain an accurate reading on his radar unit when he is within 200 feet of a vehicle.

¶ 6 Using his radar device, Karcz "clocked" defendant's vehicle and determined that it was traveling at 44 miles per hour. Karcz activated his overhead lights and siren, made a U-turn and followed defendant's vehicle to initiate a traffic stop.

¶ 7 According to Karcz, there is a speed limit sign posted at the intersection of Delrose Street and Theodore Street, which indicates that the speed limit is 30 miles per hour for traffic traveling

west on Theodore Street. There is another speed limit sign over 500 feet east of where defendant's vehicle was "clocked" by Karcz. That sign also indicates that the speed limit is 30 miles per hour for westbound traffic on Theodore Street.

¶ 8 At the hearing, defendant argued that his speeding citation should be dismissed because Karcz used a radar unit to determine his speed within 500 feet of the speed limit sign located at Delrose and Theodore Streets. The trial court denied defendant's motion to quash and suppress, finding that defendant's "interpretation of the statute is wrong."

¶ 9 Thereafter, the court held a trial on the citations Karcz issued to defendant. After hearing additional testimony from Karcz, the trial court found defendant guilty of speeding and failing to timely notify the Secretary of State of his change of address. The court sentenced defendant to three months' court supervision and ordered him to pay a fine and court costs totaling \$330.

¶ 10 Defendant argues that the trial court erred in denying his motion to quash and suppress because Karcz determined his speed within 500 feet of the speed limit sign located at Delrose and Theodore Streets, in violation of section 11-602 of the Code (625 ILCS 5/11-602 (West 2010)).

¶ 11 On appeal of a trial court's ruling on a motion to quash arrest and suppress evidence, the reviewing court will accord great deference to the trial court's factual findings. *People v. Close*, 238 Ill. 2d 497, 504 (2010). However, the trial court's ultimate decision to grant or deny the motion is reviewed *de novo*. *Id.*

¶ 12 Section 11-602 of the Code addresses speed limit signs and provides in pertinent part: "Electronic speed-detecting devices shall not be used within 500 feet beyond any such sign in the direction of travel; if so used in violation hereof, evidence obtained thereby shall be inadmissible in any prosecution for speeding." 625 ILCS 5/11-602 (West 2010).

¶ 13 It is the primary rule of statutory interpretation and construction that the intention of the legislature should be ascertained and given effect. *People v. Johannsen*, 126 Ill. App. 2d 31, 34 (1970). Statutes must be reasonably construed in accordance with practical application. *Id.* Where two constructions of a law are proposed, this court will avoid the one which produces absurd results and renders the law difficult to operate and enforce. *Id.*

¶ 14 The intention of the legislature in enacting section 11-602 of the Code was to give drivers time to adjust to their speed before subjecting them to radar detection. *Johannsen*, 126 Ill. 2d at 34. This purpose is achieved only if a speed limit sign alters or changes the speed limit. *Johannsen*, 126 Ill. 2d at 33. When a defendant has already passed a speed limit sign indicating a certain speed limit, a subsequent sign indicating the same speed limit serves merely as a reminder of the speed limit. *Id.*

¶ 15 Defendant argues that section 11-602 should be interpreted as prohibiting officers from using their radar equipment within 500 feet of any speed limit sign. Such an interpretation is "unreasonable." *Johannsen*, 126 Ill. App. 2d at 34. If defendant's interpretation were accepted, "[a]n officer would then be required when using a radar device to be more than 500 feet beyond any sign, regardless of how many similar signs had preceded it and been passed by the vehicle in question." *Id.* A reasonable interpretation of the statute is that it prohibits an officer from using radar equipment to measure a driver's speed only within 500 feet of a speed limit sign that reduces the speed limit. *Id.*

¶ 16 Here, Karcz used his radar device to measure defendant's speed within 500 feet of the 30-mile per hour speed limit sign at the intersection of Theodore and Delrose Streets. However, defendant passed a 30-mile per hour speed limit sign over 500 feet before that. Thus, defendant was informed

of the speed limit more than 500 feet before Karcz initiated his radar. Since the second sign did not alter or change the speed limit, but was merely a reminder of the speed limit, Karcz was not prohibited from using his radar equipment to measure defendant's speed within 500 feet of that sign. See *Johannsen*, 126 Ill. 2d at 33-34. The trial court properly denied defendant's motion.

¶ 17 The judgment of the circuit court of Will County is affirmed.

¶ 18 Affirmed.