

started his shift on the night of October 4, 2010, he received an e-mail from Detective Dave Mullins, who was the drug investigator for the department. The e-mail informed Strauch that cannabis was being sold from a residence located at 514 North Madison in Robinson, Illinois. Mullins had obtained this information from a confidential source. Based on this information, Strauch stated that he headed over to North Madison to "watch [the defendant's] residence."

¶ 5 Early on the morning of October 5, 2010, at approximately 1 a.m., Strauch observed a vehicle leave the defendant's residence and turn south without signaling the turn. The vehicle was being driven in the center of the road. Strauch pulled the vehicle over for a traffic stop. He testified that the driver of the vehicle was Sharon Elofoson, as shown by the driver's license she handed to him. Because of her suspicious behavior, Strauch testified that he radioed for backup. Officer Bruce Felty arrived at the scene. Strauch then used a K-9 dog to walk around the vehicle. When the K-9 gave a positive indication on the passenger side of the vehicle, Strauch asked Elofoson to step out of the vehicle while he conducted a search. He testified that his search uncovered a baggie containing 55 grams of cannabis and three Xanax pills. Strauch placed Elofoson under arrest. Strauch testified that after Mirandizing Elofoson, he asked her a few questions and found out that she had just left the defendant's residence. Elofoson also informed Strauch that she had gotten the cannabis from the defendant as payment for giving him a ride home. She further informed Strauch that the defendant had at least a quarter pound of cannabis still at his residence. Elofoson was taken to jail for booking and intake, but instead of having to stay in jail or post bond, in exchange for the information she provided, Strauch gave her a notice to appear in court and allowed her to leave.

¶ 6 Strauch next testified that based upon the information about the defendant that he initially received from Detective Mullins, which was later corroborated by Elofoson, he contacted the State's Attorney's office and Mullins to begin the process of applying for a

search warrant for the defendant's residence. Mullins advised Strauch to "secure" the defendant's residence while waiting for a search warrant to issue, to make sure no one else was in the residence.

¶ 7 Strauch, Felty, and Deputy Troy Love, from the Crawford County sheriff's department, proceeded to the defendant's residence at approximately 2 a.m. on October 5, 2010. Strauch testified that he knocked on the defendant's front door. When the defendant came to the door, Strauch asked him if he was Michael Merritt. The defendant, standing in the doorway with the door open, answered "yes." Strauch next asked him if he had any identification. The defendant replied that his identification was on the coffee table inside of the residence and that he would go get it. Strauch then told the defendant that "if he went, [Strauch] was going with him." The defendant made no reply but turned around and walked back inside his residence to retrieve his identification. Strauch testified that he followed the defendant straight into his residence. The defendant walked to the living room, picked up his identification from his coffee table, and handed it to Strauch, who was standing beside him.

¶ 8 Strauch then informed the defendant that he was in the process of getting a search warrant for the defendant's residence due to information he received that cannabis was being sold there. Strauch testified that while talking to the defendant in the living room, he observed cannabis in plain view on the coffee table. The defendant told Strauch that he was not selling cannabis. Strauch then pointed out that there was cannabis on the coffee table as well as a gallon Ziploc bag containing 16 more bags of cannabis, sitting on the couch. Strauch testified that Felty also pointed to cannabis which was in a bowl underneath the coffee table.

¶ 9 Strauch testified that at that point, he placed the defendant under arrest. As he handcuffed the defendant, Strauch asked him if he was going to find anything else in the

residence once he obtained a search warrant. The defendant informed him that there was a duffel bag on the bed with more cannabis in it. Strauch then left the other officers at the residence while he returned to the police department to meet with the State's Attorney to finish the application for the search warrant.

¶ 10 The search warrant for the defendant's residence issued at 3:15 a.m. on October 5, 2010. Strauch returned to execute the search warrant with the other officers. The following drug-related items were seized from the defendant's residence as a result of the search: an ashtray containing cannabis, a bowl containing cannabis, a larger Ziploc bag full of smaller sandwich-sized plastic baggies containing cannabis, a set of scales with cannabis residue, a baggie containing cannabis, and a pink Nike duffel bag containing two large bags of cannabis. Photographs were taken of the items seized. Strauch testified that the total amount of cannabis seized was approximately 2½ pounds. A total of \$697 cash was found on the defendant's person. Strauch testified that he later learned that the defendant had been released from jail approximately two weeks prior to the search.

¶ 11 During the bench trial, Sharon Elofoson testified that she was the defendant's ex-wife and on October 4, 2010, the defendant called her and asked if she would give him a ride home from Washington, Indiana, to Robinson, Illinois. She did so, dropping him off at his residence at 514 Madison in Robinson, Illinois. She went into the defendant's residence with him. While Elofoson was waiting in the defendant's living room, he called her into the kitchen and handed her a bag of cannabis as a "thanks" or payment for giving him a ride. She put the bag in her purse. Elofoson testified that while in the kitchen, she saw approximately a quarter pound of cannabis sitting on the table. She left the residence shortly thereafter.

¶ 12 Elofoson testified that upon leaving the defendant's residence in her vehicle, she was pulled over by Officer Strauch. Strauch searched Elofoson's vehicle and found the bag of cannabis that the defendant had given her and three Xanax, for which she testified she has

a prescription. She was arrested. She informed the circuit court that she had not been made any promises of any kind, yet she also stated that she was asked "to testify truthfully," in exchange for pleading guilty to a misdemeanor with a sentence of probation.

¶ 13 During the bench trial, Officer Bruce Felty testified that he rode out to the defendant's residence with Strauch on the early morning of October 5, 2010, after Strauch had received information that there was "a black male subject at that residence selling a large quantity of cannabis." The two were joined by Deputy Love. Felty testified that Strauch knocked on the defendant's door and the defendant answered. Strauch asked the defendant if his name was Michael and the defendant said "yes." Next, Strauch asked the defendant if he had any identification and the defendant said it was inside the residence. Felty said they all proceeded into the defendant's living room, where the defendant retrieved his identification from the coffee table. Felty testified that, while standing in the living room, he was able to observe, in plain view, an ashtray on top of the coffee table that had cannabis stems in it and a glass bowl with cannabis in it, underneath the coffee table. Felty was present when the search warrant was executed on the defendant's residence and testified that they did not search it prior to the issuance of the search warrant.

¶ 14 After the bench trial, the circuit court found the defendant guilty of unlawful possession of cannabis with intent to deliver. This direct appeal timely followed.

¶ 15 ANALYSIS

¶ 16 On appeal, the defendant argues that the circuit court should have granted his motion to suppress evidence and erred in finding that the defendant gave nonverbal "implied consent" to allow the police to enter his residence as well as finding, in the alternative, that the inevitable discovery doctrine applied to uphold the search of the defendant's residence. When reviewing a ruling on a motion to suppress evidence, we uphold the circuit court's factual findings unless they are against the manifest weight of the evidence. *People v.*

Absher, 242 Ill. 2d 77, 82 (2011). However, we review *de novo* the ultimate legal question of whether suppression was warranted by "assess[ing] the established facts in relation to the issues presented and *** draw[ing] [our] own conclusions in deciding what relief, if any, should be granted." *Id.* On appeal, however, a reviewing court can affirm on any basis supported by the record if the overall judgment is correct. *People v. Johnson*, 208 Ill. 2d 118, 128-29 (2003).

¶ 17 Both the fourth amendment of United States Constitution and the Illinois Constitution protect an individual from unreasonable searches and seizures of "their persons, houses, papers and effects." *People v. Oliver*, 236 Ill. 2d 448, 455 (2010) (citing U.S. Const., amend. IV; Ill. Const. 1970, art. I, § 6). "[T]he touchstone of the fourth amendment is reasonableness." *Id.* at 458. A warrant supported by probable cause will fulfill the reasonableness requirement. *People v. Green*, 358 Ill. App. 3d 456, 460 (2005). An exception to the search warrant requirement is a search conducted pursuant to consent. *People v. Absher*, 242 Ill. 2d 77, 83 (2011). Consent can either be expressly given, verbally or in writing, by someone who has authority to consent to the search or it can be implied through nonverbal conduct. *People v. Green*, 358 Ill. App. 3d 456, 462 (2005); *People v. Rodgers*, 96 Ill. App. 3d 416, 417 (1981). In order to be deemed valid, consent, whether express or implied, must be voluntarily and freely given without duress or coercion. *Green*, 358 Ill. App. 3d at 462. In other words, consent cannot be "extracted by implicit or explicit means or by implied threat or covert force." *Id.* at 463. Whether consent was voluntarily given "is a question of fact determined from the totality of the circumstances, and the State bears the burden of proving that the consent was truly voluntary." *Id.* A circuit court's determination that consent was voluntarily given will not be disturbed on appeal unless clearly unreasonable. *People v. Fernandez*, 344 Ill. App. 3d 152, 159 (2003).

¶ 18 At the end of the suppression hearing, the circuit court found that based on the

evidence presented, the defendant's nonverbal actions amounted to voluntary implied consent, allowing Strauch to enter the residence and therefore no fourth amendment violation had occurred. Upon review, however, we find this determination clearly unreasonable.

¶ 19 The State argues that the circuit court correctly found that the defendant gave implied consent and likens this matter to *People v. Kessler*, 147 Ill. App. 3d 237 (1986). In *Kessler*, two uniformed police officers, accompanied by two hotel security officers and the hotel assistant manager, showed up at the door of a hotel suite occupied by the defendant, Michael J. Kessler. *Id.* at 238. When Kessler answered the door, the officers informed him that they were there to investigate a complaint that he was having a narcotics party in his suite. *Id.* Kessler, while standing in the doorway of the hotel suite, asked the officers, who were standing outside in the hallway, " 'Can we talk about this?' " *Id.* at 239. One of the officers replied: " 'Yes, we can. I would like to talk about it in the room, though.' " *Id.* Kessler backed away from the door, and the officers entered, following the defendant as he walked back into the suite. *Id.* The officers observed drugs in plain view, proceeded to conduct a pat-down search of Kessler, and found a gun in his waistband. *Id.* at 239-40. Kessler was placed under arrest. *Id.* at 240.

¶ 20 The appellate court found that Kessler's nonverbal conduct expressed his intent that the police officers should enter and that "[a] contrary interpretation of [Kessler's] conduct, *i.e.*, that the police were not free to enter, is both untenable and unreasonable." *Id.* at 241 ("[Kessler] responded [to the officers outside of his hotel suite] with the expression of a desire to talk about the complaint. The police agreed conditioned on the discussion taking place in the room. [Kessler] acceded to the condition by his nonverbal conduct previously described. Reduced to its essence, [Kessler's] conduct evidenced his intention that the police should enter the room for the purpose of the discussion which [he] requested ***."). The appellate court also remained unconvinced that Kessler's physical actions showed mere

acquiescence to police authority. *Id.*

¶ 21 Here, the State asserts that as in *Kessler*, the defendant conceded to Strauch's "condition" of accompanying the defendant if he chose to get his wallet for identification, via his nonverbal conduct of leading the way inside his house, as if indicating for the officers to follow him, rather than objecting to Strauch's condition. In fact, the State believes that the holding in *Kessler* "establishes that the defendant[']s *** act of leading the officers inside the home was indeed an unmistakably clear indication of his consent to their entry."

¶ 22 Contrary to the State's assertion, we find the facts of this case distinguishable from *Kessler*, in which Kessler himself requested to "talk about this" with the officers. The condition that any discussion of the complaint take place inside Kessler's hotel suite was the officers' attempt to fulfill Kessler's *own* request. In this case, entering the defendant's residence was not Strauch's condition to the *defendant's* request, but instead, was Strauch's condition to allowing the defendant to cooperate with Strauch's *own* request.

¶ 23 This is why, after a review of a line of cases regarding implied consent, we find the instant matter more akin to *People v. Anthony*, 198 Ill. 2d 194 (2001), and *People v. Plante*, 371 Ill. App. 3d 264 (2007). In *Anthony*, the supreme court found that the defendant, Samuel Anthony, did not give valid implied consent to search, but rather that he "acquiesced to a show of police authority." *Anthony*, 198 Ill. 2d at 201. In *Anthony*, two officers on a neighborhood walking patrol observed Anthony exit a residence. *Id.* at 197-98. Because the officers did not recognize him, one yelled to Anthony from down the street, asking if he could talk to him for a minute. *Id.* Anthony stopped, turned, and stood in the middle of the alley as the officers approached. *Id.* at 198. While speaking with Anthony, the officers noticed he appeared visibly nervous, with shaking hands and stuttering speech. *Id.* Because Anthony kept repeatedly reaching into his pants pocket, one of the officers asked him if he had anything he should not have that could hurt them, to which Anthony replied that he did

not. *Id.* One of the officers next asked Anthony if he would consent to a search of his person. *Id.* Anthony did not answer or protest, but simply " 'spread his legs apart and put his hands on top of his head; assumed the position.' " *Id.* Prior to the search, neither of the officers applied any physical show of force towards Anthony or threatened him otherwise. *Id.*

¶ 24 Upon *de novo* review, the supreme court recognized that " 'there is little authority as to what constitutes consent in the absence of an express verbal statement.' " *Id.* at 202 (quoting *People v. Henderson*, 142 Ill. 2d 258, 298 (1990)). It went on to further state that "[i]n the case of nonverbal conduct, where dueling inferences so easily arise from a single ambiguous gesture, the defendant's intention to surrender this valuable constitutional right should be unmistakably clear." *Id.* at 203. Ultimately, the supreme court ruled that Anthony's nonverbal actions did not show his intent to consent to a search, but instead conveyed the message, "Do what you have to do," to the police officers. *Id.* (citing *United States v. Giuliani*, 581 F. Supp. 212, 218 (N.D. Ill. 1984) (where a defendant's verbal statement to law enforcement officials, telling them to "do what you have to do," did not constitute voluntary consent to search)).

¶ 25 In *Plante*, the defendant, Glen Plante, had already allowed the police officers to search his home twice on the day at issue. However, the third time the officers returned, Plante stood in the doorway to his house and one of the officers grabbed the screen door, telling Plante he needed to speak with him inside of his house. *Plante*, 371 Ill. App. 3d at 266. Plante then asked the officer if they could talk outside, and the officer said: " 'No. I am going to talk to you inside.' " *Id.* at 267. The officer gestured his hand "as though to escort [the] defendant inside the home." *Id.* at 266. The defendant entered his home and the officer followed. *Id.* While inside the defendant's house, the officer searched the basement and found what appeared to be a methamphetamine laboratory. *Id.* at 266-67. The defendant was

arrested and later convicted in a jury trial of unlawful manufacture, possession, and possession with intent to deliver methamphetamine. *Id.* at 265. He thereafter appealed his conviction, arguing that the trial court erred in denying both his motion to quash arrest and suppress evidence and his posttrial motion. *Id.* at 268.

¶ 26 On appeal in *Plante*, the State argued that the defendant's " 'nonverbal conduct' in walking back into the home after [the officer] demanded to speak inside [the defendant's home]" supported the theory that the defendant gave the officer implied consent to search his home. *Id.* at 269. However, the appellate court did not agree that the officer's statement to the defendant that he was going to talk to him inside was a request to enter. Rather, it was deemed "an evident display of 'apparent authority' to which [the] defendant merely acquiesced." *Id.* The fact that the officer never yelled, screamed, or physically asserted himself towards the defendant did little to sway the appellate court's view, noting that " 'implicit means' " (emphasis omitted) are also prohibited as a way of extracting consent. *Id.* at 269-70 (quoting *Anthony*, 198 Ill. 2d at 202) (explaining that the officer "at minimum implied that force would be employed to secure his final entry when he blocked [the] defendant in the door to the residence and stated affirmatively his intent to enter in spite of [the] defendant's request to speak outside"). Ultimately, the appellate court found that the defendant had not given the officer implied consent to enter, and therefore, the search of his home and his arrest were illegal. *Id.* at 271. As such, the circuit court's order denying the defendant's motion to quash arrest and suppress evidence and the defendant's subsequent conviction were reversed and remanded for further proceedings. *Id.*

¶ 27 We believe that the circumstances of this case appear a bit more egregious than those of *Anthony* and *Plante*. Unlike *Anthony*, where the officers at least *asked* Anthony if he would consent to a search of his person, in this case, Strauch did not ask the defendant if he could enter his residence. Instead, Strauch *told* the defendant that if he went inside the

residence, he was going with him. Therefore, if the defendant did not want Strauch to go with him inside his residence, he would be unable to retrieve his identification.

¶ 28 Strauch's statement that "If [the defendant] went [inside], [Strauch] was going with him," bears a striking similarity to *Plante*, where the officer told Plante, "I am going to talk to you inside." *Plante*, 371 Ill. App. 3d at 269. However, in *Plante*, the officer had previously been allowed inside Plante's house twice that day. In the instant matter, this was the first time the defendant had any communication with Strauch and the other officers, and though Strauch never "yelled, screamed or physically asserted himself towards the defendant," the fact that the officers knocked on the defendant's door at 2 a.m. only exacerbated the apparent tension of the moment. Thus, as the appellate court observed in *Plante*, we find that Strauch's statement to the defendant was "an evident display of 'apparent authority' to which [the] defendant merely acquiesced." *Id.* The defendant's behavior of saying nothing and walking inside of his residence while Strauch followed more likely conveyed a nonverbal response, as in *Anthony*, telling Strauch, "Do what you have to do." *Anthony*, 198 Ill. 2d at 203.

¶ 29 Accordingly, we find that the defendant's nonverbal conduct in this matter was not so "unmistakably clear" that he chose to waive his constitutional rights and consented to Strauch's warrantless search of his residence. *Id.* at 203. We find any other interpretation to be clearly unreasonable. As such, we hold that the circuit court erred in finding that the defendant's behavior amounted to nonverbal implied consent to search his residence.

¶ 30 Our analysis does not end there, however. The circuit court went on to rule that the inevitable discovery doctrine served as alternate grounds for denying the defendant's motion to suppress. The defendant challenges the circuit court's alternate ruling on appeal, arguing that the inevitable discovery doctrine is inapplicable because the search warrant application relied upon observations made by Strauch and the other officers after he had entered without

the defendant's consent and prior to obtaining the search warrant. Because we have held that the defendant's nonverbal actions did not constitute implied consent to search his residence, we must now examine whether the inevitable discovery doctrine applies to uphold the warrantless search.

¶ 31 The defendant relies upon the exclusionary rule to suppress the evidence obtained in his residence which ultimately led to his conviction. The exclusionary rule precludes courts "from admitting evidence that is gathered by government officers in violation of the fourth amendment." (Internal quotation marks omitted.) *People v. Sutherland*, 223 Ill. 2d 187, 227 (2006). It has no "constitutional footing" nor is it "designed to redress the search victim's invasion of privacy." (Internal quotation marks omitted.) *Id.* "Rather, it is a judicially created remedy that prospectively protects fourth amendment rights by deterring future police misconduct." *Id.*

¶ 32 The inevitable discovery doctrine is an exception to the exclusionary rule, permitting evidence, normally inadmissible during trial under the exclusionary rule, to be admitted if "the State can show that such evidence 'would inevitably have been discovered without reference to the police error or misconduct.'" *Id.* at 228 (quoting *Nix v. Williams*, 467 U.S. 341, 448 (1984)). The State must show this by a preponderance of the evidence. *People v. Perez*, 258 Ill. App. 3d 133, 137 (1994) (citing *Nix*, 467 U.S. at 444, 448). The underlying premise for this exception is that "the prosecution should not be put 'in a worse position simply because of some earlier police error or misconduct.'" (Emphasis in original.) *People v. Burnidge*, 178 Ill. 2d 429, 437 (1997) (quoting *Nix*, 467 U.S. at 443).

¶ 33 Courts applying the inevitable discovery doctrine under Illinois law to determine whether evidence would have inevitably been discovered generally must initially examine whether: "(1) the condition of the evidence when actually found by lawful means would have been the same as that when improperly obtained; (2) the evidence would have been

discovered through an independent line of investigation untainted by the illegal conduct; and (3) the independent investigation was already in progress at the time the evidence was unconstitutionally obtained." *Perez*, 258 Ill. App. 3d at 138 (citing *People v. Shanklin*, 250 Ill. App. 3d 689, 696 (1993); *People v. Winsett*, 222 Ill. App. 3d 58, 69 (1991), *rev'd on other grounds*, 153 Ill. 2d 335 (1992); *Nix*, 467 U.S. at 459 (Brennan, J., dissenting)).

¶ 34 In this case, the State argues, and the circuit court found in the alternative, that the evidence seized from the defendant's residence would have inevitably been discovered via the search warrant. Applying the criteria as outlined in *Perez*, we agree. First, we find that "the condition of the evidence when actually found by lawful means would have been the same as that when improperly obtained." *Id.* The parties do not dispute otherwise. Second, we find that there was an independent line of investigation, namely, testimony reveals that Strauch had already applied for a search warrant for the defendant's residence based on the information received from the detective and from the defendant's ex-wife, Elofoson, that the defendant was in possession of cannabis and was selling it from his residence. Application for this search warrant occurred prior to Strauch setting foot on the defendant's property and was in progress before Strauch entered the defendant's residence without his consent.

¶ 35 However, the defendant raises the argument that the search warrant, although in progress of being obtained at the time Strauch entered the defendant's residence without his consent, was not "untainted" by Strauch's illegal conduct. Specifically, the defendant asserts that Strauch's affidavit, as part of the application for the search warrant, was indeed "tainted" because it contained information about what Strauch observed upon entering the defendant's residence without his consent and, therefore, the inevitable discovery doctrine should not apply.

¶ 36 A search warrant must be supported by probable cause. *People v. Phillips*, 336 Ill. App. 3d 1033, 1035 (2003) ("In reviewing the sufficiency of a complaint for a search

warrant, it is only the probability, not a *prima facie* showing, of criminal activity that is the standard for probable cause to support the issuance of a search warrant."). This "probable cause requirement is 'rooted in principles of common sense.'" *People v. McCarty*, 223 Ill. 2d 109, 153 (2006) (quoting *People v. Hickey*, 178 Ill. 2d 256, 285 (1997)). The judge signing the search warrant must " 'make a practical, commonsense decision whether, given all the circumstances set forth in the affidavit before him, including the "veracity" and "basis of knowledge" of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place.'" *Id.* (quoting *Hickey*, 178 Ill. 2d at 285). Upon our review of whether Strauch's affidavit demonstrated sufficient probable cause without the information supplied *after* he had entered the defendant's residence without consent, we do not substitute our judgment for that of the judge who signed the search warrant, but instead, we must simply decide whether the judge "had a 'substantial basis' for concluding that probable cause existed." *Id.* (quoting *People v. Stewart*, 105 Ill. 2d 22, 49 (1984)); see also *Phillips*, 336 Ill. App. 3d at 1035 (applying a manifestly erroneous standard of review to the determination of probable cause to support a search warrant).

¶37 Strauch's affidavit in support of his application for a search warrant for the defendant's residence reads as follows:

"1. On October 4, 2010 Detective Dave Mullins advised Robinson police officers about information he received from a documented confidantail [*sic*] source about cannabis sales. Mullins advised a black male with the first name of Mike living at 514 N. Madison currently had possession of multiple pounds of cannabis and was selling it.

2. Officer Dan Strauch conducted a traffic stop on Sharon L[.] Elofoson for a traffic violation. A K9 sniff was conducted of her vehicle and a positive indication

was given. During a search of the vehicle, 55 grams of cannabis and three Xanax pills were located.

3. Officer Dan Strauch conducted an interview with Elofoson and she advised she just got the cannabis from Michael Merritt at 514 N. Madison Street. Elofoson advised Merritt had a large ammount [sic] of cannabis still in the residence.

4. Robinson police officers Dan Strauch and Bruce Felty, along with Crawford County Deputy Troy Love went to 514 N[.] Madison Street[.] The door was opened by Merritt. While retrieving his identification, Officers observed cannabis on the coffee table and couch. Merritt was placed under arrest for possession of cannabis. Merritt advised there was additional cannabis in the back bedroom of the residence.

5. Merritt has been charged in several states w/possession with intent to deliever [sic] controlled substances in the past in both Indiana and Tennessee.

6. Your affiant has probable cause to believe that additional quantities of controlled substances, cannabis, proceed of sales, records of transactions and other evidence of illegal activities can be found at the residence of 514 N. Madison Street, Robinson, Illinois."

¶ 38 It is clear by examining Strauch's affidavit that only paragraph four contains information obtained when Strauch entered the defendant's residence without his consent. Omitting paragraph four, the question becomes whether Strauch's affidavit would still contain sufficient probable cause to support the issuance of the search warrant. Even without Strauch's averment that he saw cannabis in the defendant's house and that the defendant then admitted to him that there was additional cannabis in the house, we find that the affidavit still contains sufficient information to establish probable cause to support the search warrant.

¶ 39 Strauch's affidavit states that a confidential informant provided information that the defendant was in possession of and selling large quantities of cannabis out of his house.

Next, Strauch averred that while interviewing Elofoson during a traffic stop of her vehicle, she also advised that she had obtained cannabis from the defendant at his house and that a large quantity of cannabis remained. However, as the defendant stated during the motion to suppress hearing, the search warrant application failed to demonstrate the reliability of the confidential informant. He also argues, in his reply brief, that the search warrant application failed to demonstrate Elofoson's reliability. Illinois law recognizes that "[i]f information obtained from an informant is essential to a finding of probable cause, that information must meet standards of reliability before it can be considered in determining probable cause." *Perez*, 258 Ill. App. 3d at 138 (citing *People v. Williams*, 147 Ill. 2d 173, 209-10 (1991)). Here, however, the information from the confidential informant was later corroborated by another unrelated source: Elofoson. "Substantial corroboration of the informant's story will not only establish the informant's veracity, but will also support an inference that the informant obtained the information reliably." *Id.*; see also *People v. Bryant*, 389 Ill. App. 3d 500, 520-21 (2009).

¶ 40 Hence, the information within Strauch's affidavit was reliable and sufficient to establish probable cause without paragraph four. The search warrant for the defendant's residence would inevitably have uncovered the cannabis which led to the defendant's arrest and conviction. The cannabis and related paraphernalia seized from the defendant's residence was found in plain view. As such, the circuit court did not err in finding, in the alternative, that the inevitable discovery doctrine applied to support a denial of the defendant's motion to suppress evidence.

¶ 41 **CONCLUSION**

¶ 42 For the foregoing reasons, the judgment of the circuit court of Crawford County is hereby affirmed.

¶ 43 Affirmed.