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IN THE  
APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

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THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Circuit Court of Winnebago County.
	)	
Plaintiff-Appellant,	)	
	)	
v.	)	No. 14-CF-2830
	)	
JENNY R. TURGEON,	)	Honorable
	)	Ronald J. White,
Defendant-Appellee.	)	Judge, Presiding.

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THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Circuit Court of Winnebago County.
	)	
Plaintiff-Appellant,	)	
	)	
v.	)	No. 14-CF-2831
	)	
JIMMIE D. MOORE,	)	Honorable
	)	Ronald J. White,
Defendant-Appellee.	)	Judge, Presiding.

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JUSTICE JORGENSEN delivered the judgment of the court.  
Justices Hutchinson and Hudson concurred in the judgment.

**ORDER**

¶ 1 *Held:* The trial court erred in granting defendants' motions to suppress: having lawfully stopped defendants' vehicle for traffic violations, the officer then developed a

reasonable suspicion, based on various unusual circumstances, to expand the stop into an investigation for a drug offense.

¶ 2 A Winnebago County grand jury returned separate indictments against defendants, Jenny R. Turgeon (case No. 14-CF-2830) and Jimmie D. Moore (case No. 14-CF-2831), charging each defendant with possession of a controlled substance (720 ILCS 570/401(a)(2)(B) (West 2014)) and possession with intent to deliver a controlled substance (720 ILCS 570/402(b)(2)(B) (West 2014)). Defendants were charged following the warrantless search of a motor vehicle that Turgeon was driving. Moore was a passenger in the vehicle. Both defendants moved to suppress evidence seized in the search. Following a joint hearing, the trial court granted both defendants' motions. The State appealed from the rulings and we consolidated the appeals. We reverse and remand.

¶ 3 At the suppression hearing, James Normoyle, an officer with the Illinois State Police, testified that, on November 14, 2014, he was assigned to a drug interdiction team. At about 8:30 a.m., he was seated in an unmarked squad car in the parking lot for the toll plaza at milepost 3 on I-90. Normoyle observed a black Dodge Charger with a Minnesota license plate proceed through a tollbooth. He observed a bar code decal on the window indicating that the Charger was a rental vehicle. Normoyle noticed that the female driver of the vehicle had her seatbelt behind her back. He also noticed that a figurine of an angel was hanging from the rearview mirror. Asked what the angel figurine signified, Normoyle testified, "what we would call it through our interdiction training is a disclaimer." He further explained, "Sometimes you'll see people put military or law enforcement stuff, it's trying to say that, you know, 'we're just normal blending in', but people have to go through the energy to put that in a rental car and that's not normal everyday traffic that I observed."

¶ 4 Normoyle pulled onto I-90 and followed the Charger. After observing the vehicle exceed the speed limit and change lanes without signaling, he pulled it over. Turgeon was driving the Charger and Moore was a passenger. Normoyle's squad car was equipped with a camera system that recorded audio and video both inside and outside the vehicle. A video recording of Normoyle's encounter with Turgeon was played during Normoyle testimony and was admitted into evidence. We note that the time stamp on the video, along with Normoyle's testimony, establishes a timeline of the events that transpired during the traffic stop. In the description of facts that follows, parenthetical references to the time stamp represent the elapsed time (in minutes and seconds) at which particular events appear on the video.

¶ 5 Normoyle testified that he approached Turgeon and explained why he had stopped the vehicle (00:34). Normoyle testified that Turgeon's hands were shaking uncontrollably and "she had deep shallow breathing." Normoyle noticed a bottle of Febreze air freshener behind the driver's seat and he observed "a stack of cash in smaller denominations and [three] cell phones in the center console" (01:04). Defendants produced identification, but they were unable to produce a rental agreement for the vehicle (02:26). Normoyle asked Turgeon to step out of the vehicle and he had her sit in the passenger seat of his squad car while Moore remained in the Charger. While seated in the squad car, Turgeon was "breathing deep and shallow." She was sweating even though it was very cold and she was not dressed in heavy clothing. Normoyle testified, "I could see her pulse and her carotid artery, she was burping, and I've seen that before in interdiction stops."

¶ 6 Normoyle told Turgeon that he would be issuing her a warning for speeding and a ticket for failure to wear a seatbelt. Normoyle asked Turgeon about her travel plans. She indicated that she and Moore had brought Moore's brother, who was ill, to Chicago. She explained that

they were driving a rental car because her own vehicle was being winterized (03:15). Normoyle testified that a Dodge Charger was an expensive vehicle to rent. Normoyle doubted that Turgeon would spend the extra money for the upgrade under the circumstances as she described them.

¶ 7 Normoyle left Turgeon in the squad car and approached Moore, who was still seated in the Charger (07:00). Normoyle asked Moore if he had been wearing a seatbelt. He also asked Moore about his travel plans. Moore indicated that he and Turgeon had traveled from South Dakota to Chicago to visit family before winter (07:26). Normoyle returned to the squad car and described his conversation with Moore. At that point she told Normoyle that she and Moore had not driven Moore's brother to Chicago (09:24). She indicated that they had driven to Chicago to deliver certain medical documentation for Moore's brother. Normoyle indicated to Turgeon that it did not make sense for defendants to drive from South Dakota to deliver documents that could have been mailed to Moore's brother.

¶ 8 Normoyle testified that, about three minutes after stopping defendants' vehicle, he requested that a drug-sniffing dog be brought to the scene. The dog arrived with its handler about 20 minutes later. The dog alerted to the presence of drugs in defendants' vehicle. The vehicle was searched and a substance that field-tested positive for cocaine was discovered in the trunk. When the suspected cocaine was found, Normoyle was still in the process of writing Turgeon a warning for speeding and a ticket for failure to wear a seatbelt.

¶ 9 The trial court found that Normoyle was a credible witness and that the initial traffic stop was permissible. The court concluded, however, that Normoyle's observations did not give rise to a reasonable suspicion that defendants were engaged in criminal activity other than the minor traffic offenses that were the basis for the stop. The court further concluded that it took Normoyle an unreasonably long time to issue a ticket and a written warning to Turgeon. The

court reasoned that, but for that delay, defendants would have been free to leave before the drug-sniffing dog arrived. Thus, in the court's view, the detention was unlawful at the point when the dog alerted to the presence of drugs. Consequently, the search of the vehicle was likewise unlawful.

¶ 10 Before considering the merits of the suppression ruling, we note that the State has moved to cite *United States v. Walton*, 827 F.3d 682 (7th Cir. 2016), as additional authority in support of its argument that the search of the vehicle Turgeon was driving was proper. We entered an order taking the motion with the case. We now grant the motion.

¶ 11 Upon review of a ruling on a motion to suppress, the trial court's findings of fact are entitled to great deference, and we will reverse those findings only if they are against the manifest weight of the evidence. *People v. Jarvis*, 2016 IL App (2d) 141231, ¶ 17. The trial court's legal conclusion whether the evidence must be suppressed is subject to *de novo* review. *Id.*

¶ 12 Although a police officer may stop and briefly detain a motorist when the officer has observed the motorist committing a traffic offense (*People v. Abdur-Rahim*, 2014 IL App (3d) 130558, ¶ 26), the traffic stop can become unlawful "if it is prolonged beyond the time reasonably required to satisfy its initial purpose" (*People v. Reedy*, 2015 IL App (3d) 130995, ¶ 25). "An investigative stop that is lawful at its inception must cease once reasonable suspicion dissipates, unless there is a separate fourth amendment justification to prolong the stop." *Abdur-Rahim*, 2014 IL App. (3d) 130995, ¶ 27. Consonant with these principles, information garnered during the course of a routine traffic stop may generate a reasonable suspicion of more serious criminal activity and thereby justify extending the detention. Assuming for the moment that defendants were detained for longer than necessary to address the traffic matters for which they

were stopped, we must consider whether the longer detention was justified by a reasonable suspicion that either or both defendants were engaged in illegal drug activity. We conclude that it was.

¶ 13 “[T]he concept of reasonable suspicion is not readily, or even usefully, reduced to a neat set of legal rules.” *People v. Timmsen*, 2016 IL 118181, ¶ 18. Whether a reasonable suspicion exists in a particular case depends on the totality of the circumstances of a particular case. *Id.* The State argues that the following circumstances supplied a reasonable suspicion that defendants were engaged in criminal activity beyond the minor traffic offenses that Normoyle observed: (1) Turgeon appeared to be unusually nervous; (2) the rental car that defendants were traveling in was decorated with an angel figurine hanging from the rearview mirror; (3) defendants were unable to provide a rental agreement for the vehicle; (4) defendants provided inconsistent explanations of why they had traveled to Illinois; and (5) cash and multiple cell phones were found in defendants’ rental car.

¶ 14 We defer to the trial court’s factual finding that Turgeon did not seem excessively nervous for a motorist involved in a routine traffic stop. Normoyle indicated that he observed signs of extreme nervousness while in his squad car conversing with Turgeon. However, having viewed a video recording of that conversation, the trial court concluded that Turgeon did not appear to be unusually nervous for a motorist who had been stopped for a traffic offense. Having viewed the video recording ourselves—and allowing for Normoyle’s opportunity to observe subtle signs of nervousness that might not be readily apparent in a video recording—we cannot say that the trial court’s finding is against the manifest weight of the evidence. Nor do we see anything particularly significant about the angel figurine hanging from the rearview mirror of defendants’ rental vehicle. Although it might be unusual to decorate a rental car with such an

object, it is not clear how doing so is correlated with drug activity or any other criminal activity. Moreover, given that defendants were traveling on a toll road, the presence of a small amount of cash in the passenger compartment of their vehicle was not unusual.

¶ 15 On the other hand, several other circumstances, in combination, gave rise to a reasonable suspicion that defendants were engaged in criminal activity. Turgeon gave inconsistent explanations of defendants' reason for traveling to Illinois. First she indicated that they had brought Moore's brother to Chicago. Later, however, she indicated that they had come to Chicago to deliver medical documents concerning Moore's brother.<sup>1</sup> It was reasonable for Normoyle to consider the possibility that Turgeon was lying to conceal illegal activity. Similarly, defendants' failure to produce a rental agreement for their vehicle suggested that something might be amiss. The presence of a deodorizer product—a bottle of Febreze—is also significant. Travelers do not commonly bring that sort of household product on trips in rented vehicles. Although defendants may have had it to eliminate ordinary odors, it was not unreasonable for Normoyle to consider the possibility that defendants brought it to mask the scent of illegal drugs. Finally, although cell phones are ubiquitous in modern life, the number that Normoyle believed he saw in defendants' car—three cell phones for two people—suggested that they were possibly being used in connection with drug transactions. We stress that a reasonable suspicion depends not on any single circumstance, but on the totality of the circumstances. The various circumstances can generate suspicion incrementally, and “[e]ven where there may be an innocent explanation for each individual factor considered separately, the

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<sup>1</sup> We note that Normoyle's questions about defendants' travel plans were permissible even though they might have momentarily prolonged the traffic stop. *Reedy*, 2015 IL App (3d) 130955, ¶ 32.

factors viewed in combination may constitute enough reasonable suspicion to warrant further detention” (*People v. Easley*, 288 Ill. App. 3d 487, 491-92 (1997)).

¶ 16 Less than 10 minutes after first confronting defendants face to face, Normoyle was aware of circumstances giving rise to a reasonable suspicion that defendants were involved in criminal activity more serious than minor traffic violations. Ten minutes was not an unreasonably long period to detain a motorist and passenger for speeding, failing to signal, and not wearing seatbelts. The reasonable suspicion that Normoyle developed during that period justified the relatively short additional delay to transport a drug-sniffing dog to the scene. The trial court thus erred in granting defendants’ motions to suppress.

¶ 17 For the foregoing reasons, the judgment of the circuit court of Winnebago County is reversed and the case is remanded for further proceedings.

¶ 18 Reversed and remanded.