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IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

IN THE INTEREST OF)	Appeal from the Circuit Court
)	of Cook County.
)	
)	
)	No. 14 JD 60364
)	
JAQUAN W., a minor)	
)	The Honorable
Respondent-Appellant.)	Donna L. Cooper,
)	Judge, presiding.
)	

PRESIDING JUSTICE HYMAN delivered the judgment of the court.
Justices Neville and Mason concurred in the judgment.

ORDER

- ¶ 1 *Held:* The trial court did not err in denying respondent juvenile's motion to suppress evidence and quash arrest, where a police officer had reasonable suspicion to justify a traffic stop.
- ¶ 2 While on routine patrol, a Calumet Park police officer heard gunshots coming from the vicinity of two cars, one black and one silver, that were driving past a group of people standing on a street corner. The police officer pursued each car in turn, and executed a traffic stop on the silver car. Respondent Jaquan W., a minor, was in the front passenger seat; the police found a handgun under that seat.

¶ 3 On appeal, Jaquan argues that the police officer did not have reasonable suspicion to execute the traffic stop of the silver car, and so the handgun should have been suppressed. We disagree and affirm the trial court's judgment.

¶ 4 BACKGROUND

¶ 5 The State's petition for adjudication of wardship charged Jaquan with aggravated discharge of a firearm, reckless discharge of a firearm, aggravated unlawful use of a weapon, and unlawful possession of a firearm. Jaquan's counsel moved to quash the arrest and suppress the evidence found in the silver car.

¶ 6 At the suppression hearing, Officer Reyes (whose first name does not appear in the transcript) testified that on July 23, 2014, he was working as a patrol officer for the Calumet Park Police Department. At about 10:20 p.m., Reyes was parked in his marked police car at the southeast corner of 124th Street and Wood Street, Calumet Park. Reyes was monitoring traffic in the neighborhood, a mix of industrial and residential buildings, and a high crime area. There were cars parked on nearby Honore and Lincoln streets, but not on 124th. Reyes saw a silver four-door car, followed by a black minivan or SUV, driving north on Wood. Both cars turned left (westbound) onto 124th. Reyes could not see how many people were in the minivan, and could see only one passenger in the silver car (but could not determine that person's gender). Reyes could not see the silver car's license plate, did not notice its make or model, and did not see any distinguishing characteristics.

¶ 7 Reyes saw a group of people (including a man he recognized, Denzel Irons) standing on the northwest corner of Honore and 124th, which was a block away. Both the silver car and the black minivan were moving slowly past the corner when Reyes heard three or four gunshots, and saw Irons and two others running away from the corner. Reyes did not see anyone fire a gun or

see muzzle flashes. Reyes, who had some hearing loss, could not tell from where the shots had been fired, but determined they must have come from one of the two cars because Irons and the others “were running for a reason, not because the car was just going by.”

¶ 8 The two cars did not speed up after the gunshots. The silver car continued driving west on 124th, then turned south on Winchester Avenue; Reyes lost sight of it. The black minivan turned south on Lincoln, and Reyes pursued the minivan because it was closer. Reyes stopped the minivan on Lincoln between 124th and 125th, but saw that the driver was an elderly man, so Reyes did not investigate further. Instead, he drove south on Lincoln, looking for the silver car. Reyes turned east on 126th but was stopped by a passing Metra train. He then turned around and started driving west on 126th and saw a silver car turn off Winchester onto 126th and begin driving towards him, before turning south on Lincoln. Reyes thought that it was the same car he had seen before the shooting; it was both silver and had four doors, and the only silver car visible to Reyes. Although no traffic violation had occurred, Reyes pulled over the silver car.

¶ 9 The silver car belonged to Jaquan’s mother. Jaquan was sitting in the front passenger seat. After the driver and passengers got out, Reyes searched the car and found a brown .380 Bursa handgun under the front passenger seat, closer to the front than the back. The handgun contained live rounds and was warm to the touch. He also found a sawed-off shotgun under the front passenger seat, closer to the rear.

¶ 10 Jaquan was arrested, and eventually gave two statements to police admitting that he had fired a gunshot at the people standing on the corner.

¶ 11 The trial court initially granted the motion to quash and suppress, but then reconsidered its decision and denied the motion. After a trial, Jaquan was found delinquent of aggravated

discharge of a firearm and aggravated unlawful use of a weapon, and received 30 months of probation (with the possibility to terminate the probation early should certain conditions be met).

¶ 12

STANDARD OF REVIEW

¶ 13

In reviewing a trial court ruling on a motion to suppress evidence or quash arrest, we give great deference to the trial court's factual findings, reversing only should those findings be against the manifest weight of the evidence. *People v. Hackett*, 2012 IL 111781, ¶ 18. We review the trial court's ultimate legal ruling granting or denying the motion *de novo*. *Id.*

¶ 14

ANALYSIS

¶ 15

A traffic stop is a "seizure" of persons, and thus subject to the Fourth Amendment's reasonableness requirement. *People v. Close*, 238 Ill. 2d 497, 504 (2010). We apply the same standard under our state constitution. *Id.* at 505-06. Commonly known as a *Terry* stop (after *Terry v. Ohio*, 392 U.S. 1 (1968)), an officer may briefly detain an individual the officer reasonably suspects to be recently or currently engaged in criminal activity. *People v. Brown*, 2013 IL App (1st) 083158, ¶ 22. The stop must be justified at its inception, and we apply an objective standard: would the facts available to the officer at the moment of the seizure cause an officer of reasonable caution to believe the stop was appropriate? *Close*, 238 Ill. 2d at 505. The officer must be able to point to "specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." *Id.* (quoting *Terry*, 392 U.S. at 21). These facts must be more than an "inarticulate hunch." *Close*, 238 Ill. 2d at 505. The decision to make a stop is a practical decision, based on the totality of the circumstances. *In re S. V.*, 326 Ill. App. 3d 678, 683 (2001). If reasonable suspicion is lacking, the stop is unconstitutional and we must suppress the evidence obtained from it. *People v. Gaytan*, 2015 IL 116223, ¶ 20.

¶ 16 Jaquan argues that Officer Reyes did not have reasonable suspicion to justify the traffic stop as he knew only that the car was silver with four doors. He points out that Officer Reyes did not see any muzzle flashes and that the car drove away at a normal speed before Reyes lost sight of it and pulled it over several blocks away, without the driver committing a traffic violation. Jaquan speculates that the gunshots might have been fired by the people standing on the street corner, or from some other silver car in the vicinity. The State points out that Officer Reyes saw the silver car himself (and so was not relying on someone else's description), and the car was pulled over close to the scene of the gunshots in a high crime area.

¶ 17 Both parties cite *People v. Simpson*, 2015 IL App (1st) 130303, for support. There, a police officer received a dispatch that suspects fleeing a home invasion were driving southbound on a certain road in a late-model black car. *Id.* at 25. The police officer then saw a late-model black car headed south on that road; it was early morning and there were no other vehicles about. *Id.* The court held that the officer had reasonable suspicion for a *Terry* stop.

¶ 18 This case is similar to *Simpson* in that Officer Reyes was looking for a four-door silver car in a particular area. Unlike the officer in *Simpson*, there was no time delay between the crime's occurrence and the onset of the officer's search for the described vehicle—Officer Reyes immediately began chasing the two cars he had seen at corner, increasing the likelihood that the silver car he saw on 126th Street was the same silver car he had seen driving past the corner when the gunshots were fired. And Officer Reyes was not relying on someone else's description of the car; he had seen it himself.

¶ 19 Further, Officer Reyes's search involved a small geographic area. A map (submitted at the hearing and marked by Officer Reyes) shows that the entire sequence of events, from Officer Reyes's initial sighting of the black and silver cars before the shooting, to the traffic stop of the

silver car, took place within about eight square blocks. The area contains a number of one-way streets and also is boxed in by railroad tracks (the one that blocked Officer Reyes in his pursuit) and a rail yard, resulting in dead-end streets. After the shooting, the silver car had a limited number of options to exit the area. So it is not just coincidental that the driver happened to turn onto 126th Street at the moment Officer Reyes was also on 126th. The reasonable suspicion stemmed not just from the car's silver color—it was a silver car driving around the same area that Officer Reyes was searching for a silver car.

¶ 20 Moreover, whether there might have been other silver cars in the area, either driving or parked, is irrelevant to Officer Reyes' reasonable suspicion to stop this particular car. Officer Reyes did not need to eliminate every other silver car in the area before stopping the car in which Jaquan was a passenger. Nor did he need to rebut Jaquan's speculation, presented in this appeal, that the gunshots were fired by a person standing on the street corner, not by anyone in the car.

¶ 21 The question is not whether Officer Reyes had sufficient evidence to prove, or even probable cause to believe, that someone in the silver car had fired gunshots. *Close*, 238 Ill. 2d at 505. Rather, the question is whether Reyes had specific, articulable facts supporting his decision to pull over the silver car. He articulated them at the hearing—the stop was not based on a “hunch;” he had heard gunshots coming from the vicinity of the silver car; after the shooting, he saw the silver car turn onto Winchester; and then a short time later, he saw a silver car a few blocks away. Given his own sighting of the car and the confined geographic area of his pursuit, Officer Reyes had enough information to constitute reasonable suspicion, based on the totality of the circumstances.

¶ 22 Jaquan also argues, and the State rightly concedes, that the trial court erred in relying on a “good faith” exception for a lack of reasonable suspicion to justify the traffic stop. Because we find that Officer Reyes did have reasonable suspicion, we need not discuss that argument.

¶ 23 Affirmed.