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2018 IL App (3d) 170348-U

Order filed October 4, 2018

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

2018

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the Circuit Court of the 13th Judicial Circuit, La Salle County, Illinois,
Plaintiff-Appellee,)	
v.)	Appeal No. 3-17-0348
)	Circuit No. 15-CF-124
THOMAS J. MASON,)	Honorable
Defendant-Appellant.)	Daniel J. Bute & Michael C. Jansz, Judges, Presiding.

JUSTICE WRIGHT delivered the judgment of the court.
Justice McDade concurred in the judgment.
Justice Holdridge dissented.

ORDER

- ¶ 1 *Held:* Defendant's motion to suppress should have been granted because the record shows the traffic stop was unreasonably prolonged.
- ¶ 2 The State charged Thomas J. Mason (defendant) with two counts of unlawful possession of a controlled substance with intent to deliver after discovering contraband in defendant's vehicle following a lawful traffic stop to issue a warning ticket for traffic violations. The trial court denied defendant's motion to suppress evidence and quash arrest based on a finding that

the lawful traffic stop was not unreasonably prolonged. The trial court found defendant guilty of the charges following a stipulated bench trial. The trial court sentenced defendant to serve 24 years' imprisonment in the Illinois Department of Corrections. Defendant appeals and contends that the trial court erred when it denied his motion to suppress evidence and quash arrest.

¶ 3

FACTS

¶ 4

On April 21, 2015, a La Salle County grand jury indicted defendant on two counts of unlawful possession of a controlled substance with intent to deliver. Count I of the indictment alleged that defendant committed the offense of unlawful possession of a controlled substance with intent to deliver by knowingly possessing more than 900 grams of a substance containing heroin with the intent to deliver in violation of section 570/401(a)(1)(D) of the Illinois Controlled Substances Act. 720 ILCS 570/401(a)(1)(D) (West 2014). Count II alleged that defendant committed the offense of unlawful possession of a controlled substance with intent to deliver by knowingly possessing more than 900 grams of a substance containing cocaine with the intent to deliver in violation of section 570/401(a)(2)(D) of the Illinois Controlled Substances Act. 720 ILCS 570/401(a)(2)(D) (West 2014).

¶ 5

Defendant filed a motion to suppress evidence and quash arrest (motion to suppress) on June 11, 2015. Defendant's motion to suppress alleged that defendant was subjected to an unconstitutional search and seizure following a traffic stop on March 31, 2015. In part, defendant alleged: (1) the free-air sniff performed by the officer's drug dog violated defendant's fourth amendment rights; (2) the officer's drug dog was no longer qualified to conduct a free-air sniff pursuant to the decision in *Illinois v. Caballes*, 543 U.S. 405 (2005); and (3) the officer unduly extended the duration of the traffic stop.

¶ 6 On August 21, 2015, the trial court conducted a hearing on defendant's motion to suppress. The parties stipulated that the trial court previously viewed the videotapes of the stop.

¶ 7 During the hearing on defendant's motion to suppress, Mark Manicki, a sergeant with the City of La Salle police department, testified that on March 31, 2015, he was monitoring a construction zone and performing drug interdiction on Interstate 80 near exit 77. At that time, Manicki observed a vehicle that appeared to be traveling at a higher rate of speed than the posted 55 mile-per-hour speed limit. Manicki activated his radar unit and measured the vehicle's speed at 58 mph. Manicki also observed the same vehicle change lanes without signaling, and travel in the center between the left and right lane for an unreasonable amount of time. Manicki pulled defendant's vehicle over at approximately 9:42 p.m.¹

¶ 8 The squad car video captures the officer's voice running the California license plates through dispatch by requesting a "10-28." This information about the plates was requested before the officer activated the lights to stop the vehicle. The car immediately stopped once signaled to do so by the officer. The officer approached the car immediately, but accidentally turned off the video as he left the squad car.² Based on the time stamp on the recording, the officer returned to the squad car approximately five minutes later, whereupon the squad car audio and video recording resumed.

¶ 9 During his testimony, Manicki explained that after reaching the vehicle, Manicki requested defendant, the driver, produce his license, insurance, rental agreement, and other routine paperwork. This conversation was not visually recorded due to the officer's mistake. According to the officer's testimony, during the conversation with defendant at the car, the

¹We use the time of 9:42 p.m. as the time the video in the squad car was activated for purposes of calculating the passage of time from that point forward.

²As a preliminary matter, the squad car video taken in conjunction with the stop does not have the correct date or time. Further, due to a mistake on behalf of the officer, footage of the officer's initial approach and conversation at the vehicle were unavailable.

officer discovered defendant was driving a rental vehicle, and identified the only passenger in the vehicle as Corday Rice. Manicki therefore requested the rental agreement. Manicki attempted to obtain identification from Rice, but she claimed she lost her purse. While the driver looked for the requested paperwork, Manicki questioned defendant about his travel plans. Manicki stated that these questions were related to drug interdiction, and did not relate to issuing a warning ticket to the driver. Manicki estimated that he was at defendant's vehicle for three or four minutes before he returned to his squad car.

¶ 10 In Manicki's experience, many people drive rental vehicles without the authority to do so. Manicki explained that he returned to his squad car for the purpose of reviewing the provisions of the rental agreement to verify whether defendant was within the parameters of the agreement. When Manicki entered his squad car, he started reading the rental agreement. At this time, the video equipment was reactivated. Manicki stated that defendant's rental agreement was "thicker" and required a couple minutes to read. Manicki stated that he did not know how long it took him to review the agreement.

¶ 11 Manicki testified that he read the rental agreement in order to gather information about the name of the authorized driver, the location indicating where the vehicle was rented, the destination listed on the rental agreement, and the duration of the rental period. When questioned about the reason Manicki was interested in reviewing the durational terms of the rental agreement, Manicki responded "Because of the drug interdiction aspect of it. That would be an indicator." Manicki agreed that this inquiry about the length of the rental agreement was directly related to drug interdiction or figuring out if there were drugs in the vehicle.

¶ 12 After reviewing the rental agreement, Manicki testified that he also ran defendant's and Rice's names through dispatch and through his mobile data computer (MDC). According to

Manicki's testimony, the purpose for these inquiries was to determine whether the driver had a valid driver's license and to determine whether either person had any outstanding warrants. Manicki routinely conducts a license and warrant check through dispatch in conjunction with every traffic stop. In addition, Manicki requested dispatch to run a separate Criminal Question History (CQH) on both parties. Manicki explained that he does not always run a CQH following a traffic stop. Manicki's request for this information from dispatch was not audible on the recording.

¶ 13 Manicki testified that the responses for information entered in his MDC and dispatch took longer than customary because of technical problems at the department. While waiting for responses from the MDC and dispatch, Manicki began writing defendant a written warning.

¶ 14 According to Manicki, it takes him approximately five minutes to complete a written warning ticket. The squad car recording indicates Manicki was silent and did not speak into the squad car radio for approximately five minutes. The silence on the audio tape ends when Officer James Strand, another police officer from the City of La Salle, arrived. Manicki believed Strand arrived at 9:53 p.m., 11 minutes into the stop.

¶ 15 Strand testified that when he approached, Manicki "was thumbing through some paperwork." The audio recording captures the voice of one of the officers saying, "Are things out of Nevada slow or what?" The other officer responds that dispatch was having technical problems that night. Following this comment, Manicki begins a conversation with Strand. Manicki shares information with Strand about the conversation Manicki had earlier with the driver. Manicki said, "only thing I really didn't like about this guy" were the vague travel plans the driver described to Manicki. After speaking with Strand for slightly more than a minute, the squad car video recorded Manicki stating that he was going to talk to the occupants of the

vehicle again. At this point, Manicki turned the written warning over to Strand to complete. The squad car video equipment remained running and shows Manicki speaking to the occupants of the vehicle for approximately one minute before returning to the squad car for his drug dog. When Manicki returned to the squad car he stated, "I don't have any of the vehicle information on that computer." At that point, Manicki testified that he had Strand continue to fill out the written warning because Manicki "wanted to deploy my K-9, Allister." The written warning was not completed at the scene, though the completed written warning is present in the record. One minute after Manicki retrieved his drug dog from the squad car, the dog alerted to the presence of narcotics in the trunk of the vehicle. After Manicki returns with the dog to the squad car, the squad car recording contains a noise best described as an electronic "ding."

¶ 16 Defendant also testified during the hearing. Defendant stated that he was traveling east on Interstate 80 when defendant saw Manicki's squad car. Defendant had been traveling for three or four hours that night. Defendant claimed he was traveling at 55 mph and never left the right lane. Defendant denied ever being in the left lane and did not use a turn signal where the lanes converged into a single lane because of construction. When Manicki approached the vehicle, defendant handed him his paperwork immediately. Defendant stated he did not have to look for his paperwork because it was in the visor and his license was on the "dash." Following defendant's testimony, the State moved for a directed finding which the court denied.

¶ 17 The State called Officer Strand. Strand testified that he was employed as a police officer for the City of La Salle. On the date in question, Strand drove to the location of the traffic stop to back up Manicki. Strand arrived at the scene at approximately 9:50 p.m. Strand entered the passenger side of Manicki's squad car and began completing the written warning at Manicki's request. Before Strand could complete the written warning, Manicki returned to the squad car

and informed Strand that the drug dog alerted to the presence of narcotics in defendant's vehicle. According to Strand, he was engaged in completing the written warning for two or three minutes before he learned the drug dog had alerted. It is unclear who completed the written warning, but the written warning was never completed at the scene.

¶ 18 Ultimately, the officers discovered more than 900 grams of a substance containing heroin and more than 900 grams of a substance containing cocaine from defendant's vehicle. Both officers were outside of the squad car at the time the contraband was discovered.

¶ 19 On November 19, 2015, the trial court issued an opinion and order concerning defendant's motion to suppress. The trial court's order found:

“Sgt. Manicki testified that after he effectuated the traffic stop on the defendant's vehicle, he obtained the defendant's identification and rental agreement. He then proceeded back to his squad car where he reviewed the rental agreement, in order to ensure that the defendant was in compliance with that agreement. Sgt. Manicki then ran the defendant and his passenger through his MDC and dispatch to check the status of Mason's driver's license and for warrants. He also asked dispatch to run a criminal history on the defendant and his passenger. His request for the criminal history is a separate request which is conducted independently from the warrant check and the driver's license inquiry. The driver's license status and warrant check are inquiries that are done in each traffic stop effectuated by Sgt. Manicki, in order to ensure that he is not releasing a subject who is wanted on a warrant and that the driver of the vehicle is lawfully permitted to be operating that vehicle. These are steps routine and necessary in each and every traffic stop conducted by law enforcement.”

Additionally, the court found that:

“As Sgt. Manicki was waiting for a response to his inquiry for driver’s license status and warrant check, he began to complete a warning ticket for the defendant’s traffic violations. It was during this period that Officer Strand arrived on scene, as is customary during a traffic stop. The reason for this is a concern for officer safety. Upon Officer Strand’s arrival on scene, Sgt. Manicki turned over the warning ticket and Strand began to complete the remainder. While Strand was completing the written warning, Sgt. Manicki had K-9 Alistair perform the free-air sniff of the defendant’s vehicle. Sgt. Manicki further testified that he did not receive a response from dispatch as to the defendant’s driver’s license and warrant status until after K-9 Alistair alerted to the odor of narcotics on the vehicle. Officer Strand testified that when he arrived on scene, he took over writing the warning ticket. He further testified that at the time he arrived on scene, Manicki had not yet received a response as to the driver’s license status or warrant check for the defendant. It was Strand’s testimony that he was still in the process of completing the warning ticket when K-9 Alistair alerted to the defendant’s vehicle.”

The trial court found that Manicki and Strand “were reasonably diligent in conducting the traffic stop and ordinary inquiries that are incident to that stop” and that “[a]t no time during the course of this traffic stop did St. [sic] Manicki engage in any action that prolonged the stop or exceed [sic] the time reasonably required to complete the ordinary mission of issuing a ticket for the violation.”

¶ 20 The trial court also rejected defendant’s argument that the enactment of the Compassionate Use of Medical Marijuana Act disqualified the drug dog from conducting free-air sniffs. Based on the standard set forth in *Florida v. Harris*, 133 S. Ct. 1050 (2013), the trial court

found Manicki's drug dog was qualified to perform a free-air sniff of defendant's vehicle. Ultimately, the trial court denied defendant's motion to suppress.

¶ 21 The case proceeded to a stipulated bench trial where the trial court found defendant guilty of both counts of unlawful possession of a controlled substance with intent to deliver. On May 12, 2017, the trial court sentenced defendant to serve 24 years' imprisonment in the Illinois Department of Corrections. Defendant filed a timely notice of appeal on May 25, 2017.

¶ 22 ANALYSIS

¶ 23 On appeal, defendant contends law enforcement unreasonably extended the lawful traffic stop for a purpose unrelated to the warning ticket, in violation of his constitutional rights. Defendant urges this court to reverse the trial court's order denying defendant's motion to suppress and vacate his convictions.

¶ 24 The State argues that the traffic stop was not unreasonably delayed. The State argues any time spent on interdiction efforts, such as the free-air sniff, took place during the time that the officers waited for responses about defendant's license and registration. The State asserts this particular traffic stop could not have ended any sooner because Manicki would not deliver the warning ticket until Manicki was able to confirm that defendant was not the subject of a valid warrant. Consequently, the State urges this court to affirm the trial court's ruling on defendant's motion to suppress.

¶ 25 Reviewing courts apply a two-part standard of review for rulings on motions to quash arrest and suppress evidence. *People v. Wear*, 229 Ill. 2d 545, 561 (2008). Reviewing courts must afford great deference to the trial court's factual findings and those findings will not be disturbed unless they are against the manifest weight of the evidence. *People v. Sorenson*, 196 Ill. 2d 425, 430-31 (2001). In this case, the trial court's findings of fact must be separated from

the trial court's ultimate legal conclusion based on those findings. For purposes of this analysis, we assume the trial court's findings of fact were not contrary to the manifest weight of the evidence. At this juncture, we focus on the established facts determined by the trial court and then draw our own legal conclusions regarding whether defendant's motion to suppress should have been granted.

¶ 26 This approach was approved in *People v. Baldwin*, 388 Ill. App. 3d 1028, 1031 (2009), where our court recognized that a reviewing court, "is free to assess the facts relative to the issue presented in the case," and may draw its own conclusions when deciding what relief, if any, should be granted. Therefore, we review the trial court's decision of whether to grant the relief requested in defendant's motion to suppress *de novo*. *Id.*; See *People v. Luedemann*, 222 Ill. 2d 530, 542 (2006). In this case, our court must make a legal determination of whether this traffic stop was unduly delayed.

¶ 27 It is well established that a seizure pursuant to a traffic violation only justifies a police investigation of the traffic violation itself. *Rodriguez v. United States*, 135 S. Ct. 1609, 1614 (2015). "Beyond determining whether to issue a traffic ticket, an officer's mission includes 'ordinary inquiries incident to [the traffic] stop.'" *Rodriguez*, 135 S. Ct. 1609 at 1615 (quoting *Illinois v. Caballes*, 543 U.S. 405, 408 (2005)). An officer's inquiries into matters unrelated to the basis for the stop are constitutionally permissible as long as those inquiries do not unlawfully extend the duration of the encounter. *Arizona v. Johnson*, 555 U.S. 323, 333 (2009); See *Muehler v. Mena*, 544 U.S. 93, 101 (2005). The case law cautions that, "A seizure that is justified solely by the interest in issuing a warning ticket to the driver can become unlawful if it is prolonged beyond the time reasonably required to complete that mission." *Caballes*, 543 U.S. at 407.

“Authority for the seizure thus ends when tasks tied to the traffic infraction are—or reasonably should have been—completed.” *Rodriguez*, 135 S. Ct. at 1614.

¶ 28 No bright-line rule exists with regard to the reasonableness of a stop’s duration. *Baldwin*, 388 Ill. App. 3d at 1034. Instead, the case law instructs that our court should employ “a contextual, totality of the circumstances analysis that includes consideration of the brevity of the stop and whether the police acted diligently during the stop.” *Id.*

¶ 29 Turning to the first consideration, the length of the stop, we are guided by the trial court’s finding that this particular traffic stop took 14 minutes. This factual finding is well supported by the evidence and becomes an established fact for purposes of our review. Fourteen minutes is not a shockingly long period of time for some traffic stops, depending on the mission for the stop. *People v. Staley*, 334 Ill. App. 3d 358, 367 (2002) (holding that an 18-minute traffic stop to issue citations was not unreasonable based on the circumstances); *People v. Wofford*, 2012 IL App (5th) 100138, ¶¶ 30-31 (holding that a 17-minute traffic stop to write a warning ticket was not unreasonable based on the circumstances). However, fourteen minutes may be too long, based on the totality of the circumstances, when the mission is the completion of a simple, fill-in-the-blank, warning ticket. *People v. Litwin*, 2015 IL App (3d) 140429, ¶ 37 (holding that a 10-minute period to run the defendant’s information during a stop for improper lane usage which resulted in a warning ticket unreasonably prolonged the stop).

¶ 30 According to Manicki, he typically completes such a warning ticket in five minutes. This particular traffic stop lasted considerably longer than the customary five-minute time frame. Consequently, we conclude that the stop was extended nine minutes longer than the time required by Manicki to complete the warning ticket. We must determine if this extension of time constitutes undue or unreasonable delay.

¶ 31 Next, when considering the totality of the circumstances, we examine the purpose for the traffic stop. The trial court’s final ruling, based on the court’s findings of fact, denied the relief defendant requested because the officers “were reasonably diligent in conducting the traffic stop and ordinary inquiries that are incident to that stop” and that “[a]t no time during the course of this traffic stop did St. [sic] Manicki engage in any action that prolonged the stop or exceed [sic] the time reasonably required to complete the ordinary mission of issuing a ticket for the violation.”

¶ 32 We agree that diligence is a very important consideration when evaluating the totality of the circumstances in this case. *Baldwin*, 388 Ill. App. 3d at 1034. The nature of the tasks subject to the officer’s reasonable diligence is of paramount importance to the outcome of this appeal. Even a diligent investigation may result in “undue” delay depending on the timeline of events which occurred during the traffic stop where the diligent portion of the investigation is unrelated to the mission of a traffic stop, such as drug interdiction.

¶ 33 We next examine whether any portion of the time that Manicki described as conduct related to his drug interdiction efforts actually postponed or delayed the completion of the original mission to issue a written warning to the driver. This issue requires our reviewing court to closely examine the timeline of events as described by the testimony of each officer.

¶ 34 First, it is undisputed that Manicki walked up to the stopped vehicle and obtained defendant’s license, insurance, rental agreement, and other routine paperwork. At some point during his *first* conversation with the driver, Manicki asked defendant about defendant’s travel plans.

¶ 35 Next, we rely heavily on the trial court’s factual findings when considering Manicki’s next step after returning to the squad car following his first contact with the defendant.

Significantly, the trial court found as follows: “[Manicki] then proceeded back to his squad car where he reviewed the rental agreement, in order to ensure that the defendant was in compliance with that agreement. Sgt. Manicki *then* ran the defendant and his passenger through his MDC and dispatch to check the status of Mason’s driver’s license and for warrants.” (Emphasis added.)

¶ 36 The trial court’s factual finding, set forth above, removes any speculation regarding the point on the timeline when Manicki actually submitted a routine request for defendant’s license and warrant status. The trial court found the MDC and dispatch requests were sent *after* Manicki read the rental agreement.

¶ 37 According to Strand, when he arrived about eleven minutes after the stop, Manicki was still thumbing through paperwork. In addition, when Strand arrived, Manicki had not finished filling out the blanks in the written warning ticket. This detail can be confirmed by Manicki’s instruction to Strand to finish writing the ticket.

¶ 38 Here, it is not necessary to guess about how long Manicki spent reading the rental agreement before initiating the routine background checks. By his own admission, Manicki took a couple of minutes to digest the “thicker” rental agreement. Manicki told the court that he was searching the rental agreement to learn the location where the vehicle was rented, the destination for defendant’s travels, and the duration of the rental agreement. When questioned about the relevance of reviewing the duration of the agreement, Manicki responded, “Because of the drug interdiction aspect of it. That would be an indicator.”

¶ 39 Gathering information about the terms of the rental agreement for drug interdiction purposes is clearly an activity that was unrelated to the basis for the traffic stop. Inquiries into matters unrelated to the basis for the stop are constitutionally permissible only when those

inquiries do not unlawfully extend the duration of the encounter. *Arizona v. Johnson*, 555 U.S. 323, 333 (2009); See *Muehler v. Mena*, 544 U.S. 93, 101 (2005).

¶ 40 Based on the trial court’s findings, it is clear that Manicki first read the rental agreement and “then” ran the information about “defendant and his passenger through his MDC and dispatch.” Consequently, the time Manicki spent studying the rental agreement, *before* submitting a routine request to check on defendant’s driver’s license and warrant status, was clearly an unrelated activity that did not pertain to the mission of writing a warning ticket. Therefore, we must conclude the time Manicki spent reading the rental agreement before asking for these checks, unreasonably extended the time of the stop for purposes unrelated to the traffic stop, namely, drug interdiction.

¶ 41 We do not take issue with the need for an officer to quickly review a rental agreement after stopping a driver operating a rental vehicle. However, Manicki testified that he spent several minutes reading the rental agreement. Hence, Manicki did not merely glance through the terms of this rental agreement. The State’s argument that the stop was not unreasonably extended because the officers were waiting on responses from dispatch and the MDC was debunked by the trial court’s findings of fact. In this case, Manicki was not waiting for a reply from dispatch while he spent valuable time studying the rental agreement. When Manicki turned his attention to the details of the rental agreement for interdiction purposes, the delay attributable to a sluggish response from dispatch had not begun.

¶ 42 We do not doubt that dispatch was unable to swiftly produce this routine information after Manicki turned his attention away from the rental agreement and back to the mission of requesting unrelated, but permissible, routine inquiries about defendant’s license and warrant status. However, the delay attributable to technical problems at dispatch occurred after the traffic

stop had already been unreasonably delayed by Manicki's drug interdiction efforts aimed at the details of the rental contract. These details were pertinent to developing probable cause to believe it was likely that defendant was transporting contraband. Consequently, we need not address whether the technical difficulties experienced by dispatch qualified as additional undue delay.

¶ 43 We recognize that the officers successfully intercepted a large quantity of contraband that did not reach the streets. Nonetheless, the amount of contraband seized is not a circumstance that we may properly factor into our analysis. Based on the established facts incorporated into the trial court's order, we have drawn our own conclusion that the relief requested in defendant's motion to suppress should have been granted. Here, Manicki could have shortened the traffic stop by immediately submitting the routine license and warrant checks when he returned to his squad car the first time. Instead, Manicki took time to investigate the details of a rental agreement for interdiction purposes that were unrelated to the minor traffic violations he observed.

¶ 44 Based on this conclusion, it is not necessary to review defendant's argument that the enactment of the Compassionate Use of Medical Marijuana Act disqualified the drug dog from conducting free-air sniffs.

¶ 45 **CONCLUSION**

¶ 46 The judgment of the circuit court of La Salle County is reversed.

¶ 47 Reversed.

¶ 48 **JUSTICE HOLDRIDGE, dissenting:**

¶ 49 I respectfully dissent. The majority finds that Sergeant Manicki's review of the rental agreement unreasonably delayed the traffic stop. The majority supports its conclusion in two

ways: 1) checking the rental agreement is clearly an activity unrelated to the reason for the traffic stop; and 2) Manicki took too long reviewing the document. I disagree with both conclusions.

¶ 50 The mere fact that Manicki checked the rental agreement does not unlawfully extend the purpose of the stop. It is well-settled that an officer may, in the course of a traffic stop, check documentation related to the vehicle to determine proper registration and insurance in order to ensure that the vehicle is operated by an authorized driver and is properly insured. *Delaware v. Prouse*, 440 U.S. 648, 658-60 (1979); *United States v. Sharpe*, 470 U.S. 675, 686 (1985). I would find that checking the rental agreement to determine that the defendant was an authorized driver of the car is no different than checking to determine that a vehicle is properly registered to the driver. The fact that Manicki testified that checking the rental agreement is often helpful in drug interdiction does not change negate the fact that checking papers related to the vehicle serves a legitimate function reasonably related to the purpose of the stop. *Rodriguez v. United States*, 135 S. Ct. 1609, 1615 (2015).

¶ 51 Regarding the majority's conclusion that reading the rental agreement unnecessarily prolonged the duration of the stop by "several minutes," Manicki's unchallenged testimony was that he took "a couple of minutes" to review the document and that the document was several pages in length. If we take the phrase "a couple of minutes" to mean approximately two minutes, the majority seems to find that two minutes was too long to review a multi-page agreement. I disagree. There is nothing in the record or within our common knowledge that would support a conclusion that taking two minutes to look at the rental agreement impermissibly lengthened the stop.

¶ 52 I would find that Manicki's review of the rental agreement was legitimately related to the purpose of the stop, and his taking two minutes to do so did not impermissibly lengthen the time

of the stop. I would therefore affirm the trial court's denial of the defendant's motion to suppress. I dissent on that basis.³

³The majority did not reach the issue of whether marijuana is an illegal substance in light of the Compassionate Use of Medical Marijuana Act (410 ILCS 130/25 (West 2014)). I will likewise not address the issue, as it was not dispositive of the outcome of this appeal.