2025 IL App (4th) 241303-U

NO. 4-24-1303

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
July 25, 2025
Carla Bender
4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Henry County
CARLOS C. CHAPMAN,	)	No. 23CF51
Defendant-Appellant.	)	
	)	Honorable
	)	Colby G. Hathaway,
	)	Judge Presiding.

JUSTICE KNECHT delivered the judgment of the court.
Justices Lannerd and Grischow concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed, concluding the trial court did not err in denying defendant's motion to supress evidence.

¶ 2 Following a traffic stop, defendant, Carlos C. Chapman, was charged with multiple criminal offenses. Defendant filed a motion to suppress evidence, alleging the vehicle he was driving was stopped and searched in violation of the protections afforded to him by the fourth amendment of the United States Constitution (U.S. Const., amend. IV). The trial court denied defendant's motion. After a jury trial, defendant was convicted and sentenced to 12 years in prison for unlawful possession of a controlled substance with intent to deliver (720 ILCS 570/401(a)(2)(C) (West 2022)). Defendant appeals, arguing the court erroneously denied his motion to suppress evidence. For the reasons that follow, we disagree and affirm.

¶ 3 I. BACKGROUND

¶ 4 A. Charges

¶ 5 In February 2023, the State charged defendant with (1) armed violence (720 ILCS 5/33A-2(a) (West 2022)), (2) unlawful possession of a controlled substance with intent to deliver (400 grams or more but less than 900 grams of a substance containing cocaine) (720 ILCS 570/401(a)(2)(C) (West 2022)), and (3) unlawful possession of a controlled substance (400 grams or more but less than 900 grams of a substance containing cocaine) (*id.* § 402(a)(2)(C)). The charges stemmed from a traffic stop occurring that same month.

¶ 6 B. Motion to Suppress Evidence

¶ 7 In April 2023, defendant filed a motion to suppress evidence, alleging the vehicle he was driving was stopped and searched in violation of the protections afforded to him by the fourth amendment. Specifically, defendant asserted the vehicle he was driving was "stopped and searched without probable cause or reasonable articulable suspicion," and, therefore, the evidence recovered from the vehicle should be suppressed.

¶ 8 C. Hearing on the Motion to Suppress Evidence

¶ 9 In January 2024, the trial court conducted a hearing on defendant's motion to suppress evidence. Defendant called Sean Davidson, an Illinois State Police trooper, as a witness. Trooper Davidson had been employed as a trooper for approximately six years.

¶ 10 On direct examination, Trooper Davidson testified he was patrolling Interstate 80 on February 19, 2023, when, at approximately 6:30 p.m., he encountered a white Toyota Camry with a California license plate traveling eastbound near milepost 30. The Camry was in the left lane of the two-lane highway, overtaking a semi-truck. Trooper Davidson was driving in the right lane, behind the semi-truck. Another vehicle drove up behind the Camry, and Trooper Davidson

moved into the left lane behind the other vehicle.

¶ 11 Trooper Davidson testified he observed the Camry "not signal long enough" and then "basically cut off" the semi-truck when moving into the right lane. He indicated it was a traffic violation to not signal long enough and to "overtak[e] the lane" or, in "common terms, cut[ ] someone off." Trooper Davidson agreed there was "a traffic requirement that the lane changer must provide a certain number of feet," established as "200 feet," which the Camry did not follow.

¶ 12 Based upon his observations, Trooper Davidson initiated a traffic stop of the Camry. The Camry immediately pulled off the highway. Because it was dark outside, Trooper Davidson could not see inside the Camry. Trooper Davidson exited his patrol vehicle and approached the Camry on its passenger side with a flashlight in hand. Trooper Davidson made contact with the driver of the Camry, who was identified as defendant. Defendant was the sole occupant of the Camry. Trooper Davidson informed defendant of the reasons for the stop and asked for defendant's driver's license and proof of a rental agreement. Trooper Davidson also "check[ed] in the [Camry] for weapons and illegal items" and "observed leafy green substance on the passenger-side floorboard."

¶ 13 Following the testimony about observing the leafy green substance on the passenger-side floorboard, Trooper Davidson was examined about the substance. He agreed the substance was commonly referred to as "shake." When asked if the leafy green substance was the "residue of burnt cannabis or fresh cannabis," he testified, "Fresh cannabis." When further asked if it was possible the substance was also residue of burnt cannabis, he testified, "No. Typically, *** raw cannabis is still green, and when cannabis is burned, it turns black." Trooper Davidson was asked if he had "an opportunity at some point—certainly, not at that point—but at any point did you photograph the cannabis shake that you saw?" Trooper Davidson testified he removed the

cannabis shake from the floorboard with evidence tape and a photograph was taken of the shake on the evidence tape; he did not take a photograph of the shake on the floorboard. Trooper Davidson was unaware if the cannabis shake was tested to confirm its chemical makeup.

¶ 14 The examination of Trooper Davidson then returned to the events occurring upon Trooper Davidson's initial contact with defendant. Trooper Davidson testified he asked defendant to exit the Camry and come to his patrol vehicle with him, to which defendant agreed. Trooper Davidson indicated this was routine practice. Trooper Davidson further explained, as it related to this case, the purpose of asking defendant to come back to his patrol vehicle was as follows:

> "Main reason is for paperwork reasons. He couldn't provide me with the rental agreement. It was rented by someone else. So made it easier if he comes back, sits with me while I'm working on the written warning. He's able to pull that up for me in case I have any questions."

¶ 15 Trooper Davidson testified he and defendant sat in the front seat of his patrol vehicle. Trooper Davidson ran defendant's driver's license, which came back as valid, and spoke with defendant. He asked defendant routine questions, such as "where are you coming from, where are you going." Defendant indicated he was coming from Mississippi and going to Joliet, which Trooper Davidson "found odd," given the location of the traffic stop. Trooper Davidson testified, "While he's talking to me, the odor of burnt cannabis emitted from his breath and clothing."

¶ 16 Following Trooper Davidson's testimony about detecting the odor of burnt cannabis on defendant's person, the following examination occurred:

> "Q. Okay. So *** you detected the odor of burnt cannabis on his breath and, I guess, his person.
>
> A. Yes.

Q. That was detected after he was in your vehicle seated next to you, correct?

A. Yes.

Q. And was that the first time that you detected the odor of cannabis?

A. Yes.

Q. Okay. Was when he was seated next to you.

A. Yes. *** I couldn't smell the shake, no. It's just visible.

Q. And prior to him sitting next to you, you didn't have any detection of any other cannabis, correct, the smell or detection of any other cannabis, correct?

A. No."

¶ 17 The examination of Trooper Davidson then returned to the events occurring while defendant was inside the patrol vehicle. Trooper Davidson testified he was "finishing a written warning" while speaking with defendant. Trooper Davidson indicated he also asked defendant about the rental agreement for the Camry and defendant was contacting family members by phone to get the rental agreement.

¶ 18 Trooper Davidson was asked about when he found probable cause to search the Camry:

"Q. Okay. Officer, at what point did you make the determination that you were going to go in to search that vehicle for probable cause?

A. Immediately.

Q. Okay. So that determination was made—when you say 'immediately,' that determination was made prior to him even getting in the vehicle, correct?

A. No. Immediately when he was sitting next to me.

Q. Okay. And the reason for that was because of the smell of the cannabis, correct?

A. Yes, sir."

¶ 19 Trooper Davidson testified he requested "routine, a supervisor," who arrived at the scene in approximately 10 minutes. Upon his supervisor's arrival, Trooper Davidson informed defendant he was going to conduct a search. While Trooper Davidson's supervisor stayed with defendant, Trooper Davidson searched the Camry for cannabis. When asked if he was looking for cannabis based upon his detection of the odor of burnt cannabis on defendant's person, Trooper Davidson testified, "Yes." Trooper Davidson searched the "passenger-area compartment" and trunk of the Camry. When asked if he searched the passenger compartment "in order to search for that burnt cannabis," Trooper Davidson testified, "Yes." When asked if he searched the trunk "based on the probable cause of smelling cannabis," he also testified, "Yes." Trooper Davidson testified he "absolutely" was searching the trunk for cannabis.

¶ 20 Inside the trunk of the Camry, Trooper Davidson discovered a black duffel bag containing a handgun and a quantity of suspected cocaine, evidence which later served as the basis of the criminal charges filed against defendant. After the discovery, defendant was placed in custody. Trooper Davidson then continued his search of the vehicle and secured the cannabis shake from the passenger-side floorboard.

¶ 21 On cross-examination, Trooper Davidson testified defendant failed to signal for the required 200 feet. He based that determination upon his training that a vehicle traveling 70 miles an hour traveled approximately 100 feet per second and upon the way the "mile markers are spaced out." Trooper Davidson also testified defendant moved in front of the semi-truck too closely, leaving less than 300 feet between the vehicles. He observed defendant's vehicle to be less than

200 feet in front of the semi-truck, which he based upon "count[ing] out loud on camera a hundred feet, 70 miles an hour." He indicated the 300-foot "guideline" is set forth by the National Highway Traffic Safety Administration.

¶ 22 Trooper Davidson was examined about his approach to the Camry after initiating the traffic stop:

"Q. And upon your initial approach, did you make any observations at that point in time?

A. Yes, the cannabis shake, passenger-side floorboard.

Q. And did you notice—and you indicated earlier you noticed the odor of raw cannabis?

A. Yes.

Q. And between raw and burnt, are you able to differentiate between those two smells?

A. Yes.

Q. And over the course of your six-year career, approximately how many cannabis cases have you handled?

A. I don't want to give a definite number. Over a hundred.

Q. So this is nothing new to you.

A. No, ma'am.

Q. Based upon your training and experience, what does the odor of raw cannabis emitting from a vehicle reveal to you, if anything?

A. That there's cannabis in the vehicle, and the driver could be in possession of cannabis.

Q. And *** are you aware of any laws in place regarding the transportation of cannabis?

A. Yes. It's got to be odor-proof, child-proof container [i]naccessible to the driver or any passengers.

Q. So in your experience and your training as well, if cannabis is being transported appropriately in the state of Illinois, should you be able to smell the odor of raw cannabis?

A. No. When you purchase it from a dispensary, they put it in a child-proof, odor-proof container and shouldn't be able to smell it, no, or see it.

Q. And you also observed the raw cannabis shake corroborating that smell as well?

A. Yes."

¶ 23 Trooper Davidson was examined about the events occurring while defendant was in the patrol vehicle. Trooper Davidson confirmed he could smell the odor of burnt cannabis emitting from defendant's person while in the patrol vehicle. Trooper Davidson testified he asked defendant if there was cannabis in the Camry, to which defendant stated none was in the vehicle, but "he smoked earlier." Trooper Davidson testified he "was still working on the written warning and traffic stop for it" when he was asking defendant questions and had "requested for routine, to search the vehicle." Trooper Davidson further, when asked if he was working on the written warning when waiting for his supervisor to arrive, testified, "Yes. Yeah. He had not provided the rental agreement yet." Trooper Davidson indicated he needed defendant's driver's license and rental agreement to fill out the written warning.

¶ 24 With respect to the search, Trooper Davidson, when asked if he secured the

cannabis shake when he began the search, testified, "Yes." He also testified, based upon his experience in law enforcement, the trunk of a vehicle was a common place to keep cannabis. Trooper Davidson was asked, "[I]s it accurate to state that you were searching for cannabis after smelling the raw cannabis and observing the shake as well?" He replied, "Yes."

¶ 25 Trooper Davidson was shown a black and white printout of a photograph of the evidence tape with the cannabis shake taken from the Camry. Trooper Davidson testified his supervisor took the photograph. He also testified the photograph accurately depicted the cannabis shake he secured with evidence tape. The photograph was admitted into evidence with no objection. Trooper Davidson testified he detected the odor of raw cannabis coming from the shake when he secured it.

¶ 26 Trooper Davidson confirmed his patrol vehicle was equipped with audio and video surveillance. He also confirmed the surveillance was properly functioning on February 19, 2023. He identified an audio and video recording of the traffic stop involving defendant. The recording was admitted into evidence with no objection. A portion of it was then published. Trooper Davidson acknowledged he personally had a different vantage point than the camera on his vehicle.

¶ 27 The audio and video recording shows the Camry overtaking and then moving in front of the semi-truck. The view of the Camry is partially obstructed by another vehicle, which is between the Camry and Trooper Davidson's patrol vehicle. The recording shows Trooper Davidson's initial contact with defendant. Trooper Davidson can be seen shining his flashlight into the Camry. The recording includes audio, but no video, of the conversation between Trooper Davidson and defendant inside Trooper Davidson's patrol vehicle. Shortly after entering the patrol vehicle, defendant asked Trooper Davidson about the explanation given for the stop, which Trooper Davidson addressed, and then defendant explained his practice of overtaking vehicles.

Approximately three minutes after defendant enters the patrol vehicle, Trooper Davidson can be heard requesting "routine" on his radio. After the request, it was discovered defendant had provided Trooper Davidson with an incorrect rental agreement, at which point defendant offered to return to the Camry to look for a different rental agreement. Trooper Davidson declined defendant's offer. Defendant then, on his own accord, contacted his family members by phone about the rental agreement. During this time, Trooper Davidson indicated he was searching for the relevant statute for defendant, which he eventually found and then informed defendant of its contents. Approximately 17 minutes after defendant enters the patrol vehicle, Trooper Davidson confronts defendant about the odor of cannabis, noting he smelled "a little bit of raw cannabis" and asking if cannabis was in the Camry. Defendant indicates there was no cannabis in the Camry, but he had smoked earlier, and Trooper Davidson might be smelling it on his breath. In response to defendant's suggestion that Trooper Davidson was detecting the odor of cannabis on defendant's breath, Trooper Davidson clarified he "was talking about like raw cannabis, okay, maybe like a little bit left over." Approximately 20 minutes after defendant enters the patrol vehicle, Trooper Davidson informs defendant that he is going to search the Camry while defendant stayed with another trooper, which he then commenced. Trooper Davidson can be seen searching the passenger side of the Camry followed by its trunk.

¶ 28 In a later portion of the audio and video recording not published during the hearing, Trooper Davidson can be heard telling defendant he expected to discover "personal use weed because of the smell," not suspected cocaine. At another point, Trooper Davidson can be seen returning to the front passenger side of the Camry and shining his flashlight at the floorboard, after which he returns to his patrol vehicle and can be heard asking his supervisor for tape to "pick up the shake that I found because that was my [probable cause] to get in the car was the raw cannabis."

¶ 29 On redirect examination, Trooper Davidson was asked about the grounds for the search of the Camry:

> "Q. Trooper Davidson, when you were in the process of searching the trunk of the vehicle, that was based on the probable cause that you smelled cannabis emitting from his person, correct?
>
> A. Yes.
>
> Q. And the determination that you were going to search the vehicle, that was made, as you said on direct examination, shortly after you got in the car and you smelled it, correct?
>
> A. No. I—so I observed the cannabis shake, brought him back, and I made my final decision when he was sitting next to me, because I smelled it when he was sitting next to me, but I still observed it when I was at the passenger side, so they go together.
>
> * * *
>
> Q. Well, considering that, is it fair to say, then, that the 15 or 20 minutes that you were looking up the statute and he was calling his family was a bit of a ruse to buy time for backup to come so you could search the vehicle, correct?
>
> A. Yes."

¶ 30 Trooper Davidson was asked about the legality of possessing cannabis in a vehicle. He maintained cannabis had to be "in the proper containers. You can't smell it." Trooper Davidson was then asked, "But you're saying—it's your testimony, though, that the smell of it would make it illegal, and that's what gave you probable cause." He testified, "Yes."

¶ 31 Based upon this evidence, defendant argued his motion to suppress evidence should

be granted. Specifically, with respect to the traffic stop, defendant asserted the video evidence showed he "seemed to be complying totally with the traffic laws." Defendant also, with respect to the search of the vehicle, asserted Trooper Davidson lacked probable cause. In support, defendant contended Trooper Davidson's detection of the odor of cannabis, whether it be fresh or burnt, was not corroborated and, moreover, could not establish probable cause by itself. Furthermore, to the extent Trooper Davidson testified to observing cannabis shake, defendant contended that testimony should not be relied upon because the substance was never tested.

¶ 32 The State, in response, argued defendant's motion to suppress evidence should be denied. With respect to the traffic stop, the State asserted "there was a basis" for the stop, as the evidence showed defendant failed to signal for the requisite 200 feet and failed to allow 300 feet of space before moving in front of the semi-truck. The State further asserted, with respect to the search, Trooper Davidson had probable cause based upon him (1) detecting the odor of raw cannabis emitting from the Camry, (2) observing cannabis shake on the passenger floorboard of the Camry, and (3) detecting the odor of burnt cannabis emitting from defendant's person. As part of its argument, the State noted it did not believe "the stop was unduly delayed."

¶ 33 After considering the evidence and arguments presented, the trial court found as follows:

> "All right. So the Court's had an opportunity to hear the testimony presented here today as well as review the evidence. I've considered the arguments of Counsel.
>
> In regards to the testimony, I do find the testimony of the trooper to be credible. They were consistent with what was shown in the video, and that was admitted into evidence. He appeared to be answering openly and honestly and was

not evasive.

As far as the reasoning for the initial stop, from reviewing the video, obviously, the position of the camera in the squad car, there's a vehicle in between the trooper's vehicle and the defendant's vehicle that somewhat obstructs the view of exactly when the turn signal came on. You can see as the defendant's vehicle is changing lanes that the turn signal is on and activated at that time, but how long before, you simply can't tell from the video. The only evidence on that is the trooper's testimony, which, again, I do find to be credible.

You can see on the video how close the defendant's vehicle is to the semi when it is changing lanes, and *** it obviously does make the lane change. He's in front of the semi, but it is a very close distance. Based on the video, it certainly appears to be under even a hundred feet.

So I do believe there was reasonable suspicion for the initial traffic stop on the defendant's vehicle.

As far as probable cause for the search of the vehicle, so currently the law in the Fourth District—which I know the Third District has an opposing holding right now; the issue is before the Supreme Court—but as far as the Fourth District is concerned, is that the odor of raw or burnt cannabis would provide probable cause to search a vehicle.

At this time the officer, the trooper, has testified that there was the odor emitting from the vehicle and that he observed what he believed to be shake, cannabis shake, on the passenger floorboard, a green leafy substance. Additionally, we have the defendant's admissions that he had smoked cannabis earlier in the day.

So I think taking the totality of the circumstances, both the view of this shake, what the officer believed was shake, on the passenger floorboard, the odor of cannabis coming from the vehicle, the defendant's admissions—so, certainly, under the Fourth District, the smell alone would provide probable cause, but even if the smell alone was not enough, the officer did also observe this green leafy substance on the floorboard which he believed to be cannabis shake.

So I do find that even if the scent alone was not enough for probable cause, the officer, the trooper, did have probable cause in this situation based off, again, the shake as well as the defendant's admission to smoking earlier.

So the motion to suppress will be denied for the reasons just stated."

¶ 34 D. Jury Trial

¶ 35 In June 2024, the trial court held a jury trial. The State presented evidence showing (1) the duffel bag in the trunk of the Camry contained a loaded handgun and 480.4 grams of cocaine and (2) defendant acknowledged ownership of the duffel bag and the handgun but denied knowledge of the cocaine. At the close of the State's case, defendant moved for a directed verdict on the armed-violence charge, which the court granted. Defendant, in his defense, testified to having no knowledge of the cocaine and indicated others had driven the Camry while the duffel bag and handgun were in the trunk. After its deliberations, the jury found defendant guilty of unlawful possession of a controlled substance with intent to deliver and unlawful possession of a controlled substance.

¶ 36 As part of its case, the State presented testimony from Trooper Davidson. Trooper Davidson was briefly examined on both direct and cross-examination about the discovery of cannabis shake and the detection of the odor of cannabis.

¶ 37 On direct examination, the following inquiry occurred:

"Q. Did you conduct a traffic stop on the Toyota Camry that evening?

A. Yes, ma'am.

* * *

Q. Did you explain to [defendant] why you stopped him?

A. Yes, ma'am.

Q. And did you make any observations when you were speaking to him?

A. Yes.

Q. What were those observations?

A. The odor of burnt cannabis and cannabis shake on the floorboard."

Trooper Davidson further, when asked about the search of the Camry, testified he "confirmed the cannabis shake on the floorboard on the passenger side."

¶ 38 On cross-examination, the following inquiry occurred:

"Q. Okay. Now, eventually, you conduct this traffic stop, and you approach the white Toyota that [defendant] was driving, correct?

A. Yes, sir.

Q. It's your testimony or you testified that you detected an odor—I guess, a couple odors—both burnt cannabis and fresh cannabis, correct?

A. Yes, sir.

* * *

Q. And this—just to follow up—the burnt cannabis that you allegedly detected, did you find any—now, it's difficult—did you find any evidence of cannabis burning in the car?

A. No. When he came back and sat next to me, I could smell it on him as well, so I confirmed it.

Q. You could smell what, burnt cannabis?

A. Yes."

¶ 39 E. Motion for a New Trial

¶ 40 In July 2024, defendant filed a motion for a new trial. Defendant argued, in part, the trial court erroneously denied his motion to suppress evidence. He asserted that motion "should have been granted based on the illegal and unconstitutional search."

¶ 41 F. Hearing on the Motion for a New Trial and Sentencing

¶ 42 In October 2024, the trial court held a hearing on defendant's motion for a new trial. As for his argument that the court erroneously denied his motion to suppress evidence, defendant asserted Trooper Davidson's detection of the odor of cannabis, whether it be fresh or burnt, was insufficient to establish probable cause. The State, in response, argued the denial of defendant's motion to suppress was proper, maintaining Trooper Davidson had probable cause to conduct the search based upon him (1) detecting the odor of raw cannabis, (2) observing cannabis shake in the vehicle, and (3) detecting the odor of burnt cannabis. After considering the arguments presented, the court denied defendant's motion for a new trial, finding, in part, it properly denied defendant's motion to suppress evidence. The court, specifically, after emphasizing the statements of Trooper Davidson in the audio and video recording of the traffic stop, found as follows:

"So I think taking in the totality of the circumstances, the odor of the raw cannabis, the defendant's admission to using it previously, as well as his observation of something that the officer believed to be cannabis in the vehicle that wasn't packaged properly and inaccessible, I do believe that the officer would have

probable cause to search the vehicle based on that."

¶ 43 After denying defendant's motion for a new trial, the trial court proceeded to sentencing. Based upon the evidence and recommendations presented, the court merged the findings of guilt and then sentenced defendant to the statutory minimum of 12 years in prison for unlawful possession of a controlled substance with intent to deliver.

¶ 44 This appeal followed.

¶ 45 II. ANALYSIS

¶ 46 On appeal, defendant argues the trial court erroneously denied his motion to suppress evidence. Specifically, he contends the evidence recovered from the Camry should have been suppressed because (1) the traffic stop was not supported by reasonable suspicion or probable cause, (2) the traffic stop was prolonged beyond its mission without additional fourth amendment justification, (3) the search was not supported by probable cause, and (4) any probable cause to search did not extend to the trunk of the vehicle. The State, in response, argues the court did not err in denying defendant's motion.

¶ 47 A. Standard of Review

¶ 48 This court generally applies a two-part standard of review when considering a ruling on a motion to suppress evidence. *People v. Hagestedt*, 2025 IL 130286, ¶ 14. We will give deference to the trial court's findings of fact and will reverse those findings only if they are against the manifest weight of the evidence. *Id.* "A finding is against the manifest weight of the evidence where the opposite conclusion is clearly evident or if the finding itself is unreasonable, arbitrary, or not based on the evidence presented." (Internal quotation marks omitted.) *People v. Dunmire*, 2019 IL App (4th) 190316, ¶ 35. Where the factual findings are accepted, we will conduct a *de novo* review of whether suppression is warranted under those facts. *People v. Manzo*, 2018 IL

122761, ¶ 25. *De novo* review "means that we perform the same analysis that a [trial court] would perform." *People v. Harris*, 2024 IL 129753, ¶ 64.

¶ 49 B. Legal Standard for a Motion to Suppress Evidence

¶ 50 "When a defendant files a motion to suppress evidence, he bears the burden of proof at a hearing on that motion." *Hagestedt*, 2025 IL 130286, ¶ 15; see 725 ILCS 5/114-12(b) (West 2024). The defendant must "make a *prima facie* case that the evidence was obtained pursuant to an illegal search or seizure," meaning the defendant must establish "the factual and legal bases for the motion to suppress." *Hagestedt*, 2025 IL 1030286, ¶ 15. If the defendant makes a *prima facie* case, the burden shifts to the State to counter the defendant's case. *Id.* The ultimate burden of proof, however, remains with the defendant. *Id.*

¶ 51 C. Fourth Amendment

¶ 52 In this case, defendant grounded his motion to suppress evidence in the fourth amendment. The fourth amendment guarantees the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const., amend. IV; see *Elkins v. United States*, 364 U.S. 206, 213 (1960) (stating the fourth amendment applies to state officials through the fourteenth amendment (U.S. Cons., amend. XIV)). "The 'essential purpose' of the fourth amendment is to impose a standard of reasonableness upon the exercise of discretion by law enforcement officers to safeguard the privacy and security of individuals against arbitrary invasions." *People v. McDonough*, 239 Ill. 2d 260, 266 (2010) (quoting *Delaware v. Prouse*, 440 U.S. 648, 653-54 (1979)).

¶ 53 D. Was the Traffic Stop Lawful at Its Inception?

¶ 54 We begin with defendant's challenge to the reasonableness of Trooper Davidson's initial seizure of him. Defendant contends the evidence recovered from the Camry should have

been suppressed because the initial traffic stop was not supported by reasonable suspicion or probable cause. Specifically, he asserts the trial court's findings he failed to signal for the requisite period and failed to allow a sufficient distance before moving in front of the semi-truck are against the manifest weight of the evidence, and, without those findings, Trooper Davidson lacked any basis to initiate a traffic stop.

¶ 55 As an initial matter, we note, although not addressed by the parties, defendant did not raise this issue in his posttrial motion. Generally, "[t]o preserve an issue for review, a defendant must object at trial and raise the alleged error in a written posttrial motion." *People v. Reese*, 2017 IL 120011, ¶ 60. The failure to do either results in forfeiture. *People v. Sebby*, 2017 IL 119445, ¶ 48. However, under the constitutional-issue exception to the forfeiture doctrine, "constitutional issues which have properly been raised at trial and which can be raised later in a post-conviction hearing petition" may be considered on the merits despite a defendant's failure to raise those issues in a posttrial motion. *People v. Enoch*, 122 Ill. 2d 176, 190 (1988). In this case, the issue, although not raised in defendant's posttrial motion, is reviewable under the constitutional-issue exception because it is an issue of constitutional magnitude which was raised at trial and which could be raised later in a postconviction petition. See, *e.g.*, *People v. Cregan*, 2014 IL 113600, ¶¶ 15-20. Accordingly, we will review the issue on its merits.

¶ 56 "A traffic stop is a seizure of both the driver and the passengers, analogous to a so-called *Terry* stop [(see *Terry v. Ohio*, 392 U.S. 1 (1968))]." *People v. Bass*, 2021 IL 125434, ¶ 15. For a traffic stop to comport with the reasonableness requirement of the fourth amendment, the officer initiating the stop "must have at least reasonable, articulable suspicion that a violation of law has occurred." (Internal quotation marks omitted.) *People v. Gaytan*, 2015 IL 116223, ¶ 20.

¶ 57 Reasonable suspicion to conduct a traffic stop requires a showing that the totality

of the facts and circumstances known to the officer at the time of the stop would justify a reasonable person in believing a violation of the law has occurred. *Dunmire*, 2019 IL App (4th) 190316, ¶¶ 72-73. In determining whether reasonable suspicion exists, an officer may " 'draw on their own experience and specialized training to make inferences from and deductions about the cumulative information available to them that might well elude an untrained person.' " *Id.* ¶ 73 (quoting *United States v. Arvizu*, 534 U.S. 266, 273 (2002)). "Although reasonable, articulable suspicion is a less demanding standard than probable cause, an officer's suspicion must amount to more than an inchoate and unparticularized suspicion or hunch of criminal activity." (Internal quotation marks omitted.) *People v. Timmsen*, 2016 IL 118181, ¶ 9.

¶ 58 Section 11-804 of the Illinois Vehicle Code (625 ILCS 5/11-804 (West 2022)) provides, in part, as follows:

> "(a) No person may *** turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person may so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.
>
> (b) A signal of intention to turn right or left, change lanes, otherwise turn a vehicle from a direct course, move right or left upon a highway, or when required *** must be given continuously during not less than the last 200 feet traveled by the vehicle outside a business or residence district.
>
> ***
>
> (d) The electric turn signal device required in Section 12-208 of this Act (*id.* § 12-208) must be used and operated as prescribed in subsection (b) of this Section to indicate an intention to turn, change lanes, turn a vehicle from a direct course,

move right or left upon a highway, or start from a parallel parked position."

See *id.* § 6-601 (providing a violation of the Vehicle Code is a petty offense unless otherwise stated).

¶ 59 In this case, the trial court concluded Trooper Davidson had "reasonable suspicion for the initial traffic stop." The court reached that conclusion upon finding defendant failed to signal for a sufficient period and allow a sufficient distance before moving in front of the semi-truck. The court's oral pronouncement of its decision on the motion to suppress evidence shows it reached its factual findings after carefully considering Trooper Davidson's testimony and the audio and video recording of the traffic stop.

¶ 60 Defendant, while acknowledging Trooper Davidson provided testimony to support the trial court's findings, contends the court should have nevertheless rejected said testimony, as it is refuted by a careful review of the video evidence. We disagree. After reviewing the video evidence, we cannot say it plainly contradicts Trooper Davidson's testimony. See *People v. Logan*, 2024 IL 129054, ¶ 55 ("In determining whether the trial court erred in denying a motion to suppress, we accord great deference to its findings of fact and credibility determinations."). The view of defendant's vehicle is partially obstructed by the vehicle in front of Trooper Davidson's vehicle. We cannot clearly discern how long defendant signaled before moving in front of the semi-truck, and, as the trial court found, defendant's vehicle appears to be "a very close distance" from the semi-truck after he changed lanes. Our review of the evidence, therefore, does not clearly lead us to the opposite findings reached by the trial court.

¶ 61 In sum, we find the trial court's factual findings are not against the manifest weight of the evidence. Accepting the factual findings, we conclude, based upon our consideration of the totality of the circumstances presented, there was, at least, reasonable suspicion to believe there

had been a violation of section 11-804 to initiate a traffic stop. Therefore, the traffic stop was lawful at its inception.

¶ 62 E. Was the Traffic Stop Prolonged Beyond Its Mission?

¶ 63 We turn next to defendant's challenge to the reasonableness of Trooper Davidson's continued seizure of him. Defendant contends the evidence recovered from the Camry should have been suppressed because the traffic stop was prolonged beyond its mission without additional fourth amendment justification. Specifically, he asserts Trooper Davidson prolonged the stop beyond the time in which the original mission should have been completed by inquiring into the rental agreement, refusing his offer to retrieve the rental agreement from the Camry, and looking up the statute allegedly violated for defendant's information. He further asserts "no reasonable suspicion existed to extend that mission," and, even if reasonable suspicion existed, Trooper Davidson failed to diligently act to address that suspicion.

¶ 64 At the outset, the State asserts defendant has forfeited this issue by failing to raise it in the trial court. We agree. Contrary to defendant's claim on appeal, an issue is not raised simply by counsel inquiring into matters which could support an argument on that issue or by the State commenting on the issue. See *Reese*, 2017 IL 120011, ¶ 60 (noting a defendant must generally object at trial and raise the alleged error in a written posttrial motion to preserve an issue for review). Because defendant did not object to the duration of the traffic stop at trial and raise the issue in his posttrial motion, we find the issue is forfeited.

¶ 65 Defendant contends, despite his forfeiture, the issue is reviewable under the plain-error doctrine, as a matter of first-prong plain error. The plain-error doctrine provides a "narrow and limited exception" to the general rule of forfeiture. *People v. Jackson*, 2020 IL 124112, ¶ 81. Under the plain-error doctrine, a reviewing court may consider an unpreserved issue

> "when a clear or obvious error occurred and (1) the evidence is so closely balanced that the error alone threatened to tip the scales of justice against the defendant (first-prong plain error) or (2) the error is so serious that it affected the fairness of the defendant's trial and challenged the integrity of the judicial process (second-prong plain error)." *People v. Schoonover*, 2021 IL 124832, ¶ 27.

The defendant bears the burden of persuasion in establishing plain error. *People v. Wilmington*, 2013 IL 112938, ¶ 43.

¶ 66 Our first step under the plain-error doctrine is to determine whether there has been a clear or obvious error. *People v. Jackson*, 2022 IL 127256, ¶ 21. A traffic stop that is lawful at its inception may become unlawful—fail to comport with the reasonableness requirement of the fourth amendment—if it is unduly prolonged. *Rodriguez v. United States*, 575 U.S. 348, 350-51 (2015). "[T]he tolerable duration of police inquiries in the traffic-stop context is determined by the seizure's 'mission'—to address the traffic violation that warranted the stop [citation] and attend to related safety concerns." *Id.* at 354. "Authority for the seizure thus ends when tasks tied to the traffic infraction are—or reasonably should have been—completed." *Id.* at 349. Inquiries unrelated to the mission of the traffic stop do not convert the initial encounter into something other than a lawful seizure, so long as they " 'do not measurably extend the duration of the stop.' " *Id.* at 355 (quoting *Arizona v. Johnson*, 555 U.S. 323, 333 (2009)).

¶ 67 In this case, defendant initially asserts Trooper Davidson unduly prolonged the traffic stop by inquiring about the rental agreement. We disagree. Defendant relies upon *People v. Cassino*, 2019 IL App (1st) 181510, for support. *Cassino*, however, is distinguishable. The officer in that case called the rental car company after receiving the rental agreement, which, in turn, was found to have extended the traffic stop by 25 minutes. *Id.* ¶¶ 66-67. Unlike the officer in *Cassino*,

Trooper Davidson never received a valid rental agreement, which Trooper Davidson indicated he needed to fill out the written warning, nor did he attempt to contact the rental car company. We note Trooper Davidson's claim that the rental agreement, or at least information therefrom, was needed to complete the written warning was not challenged below. On this record, we decline to hold any inquiry about whether the rental agreement was beyond the mission of the traffic stop. See *People v. Sanchez*, 2021 IL App (3d) 170410, ¶ 34 (rejecting the defendant's reliance on *Cassino* for the proposition that the officer could not ask the defendant about the rental car agreement).

¶ 68 Defendant also asserts Trooper Davidson unduly prolonged the traffic stop by refusing his offer to retrieve the rental agreement from the Camry. We disagree. While the audio from the audio and video recording indicates Trooper Davidson declined defendant's offer to return to the Camry to search for the rental agreement, Trooper Davidson was not examined about his reasoning for this decision. As the State notes, Trooper Davidson may have denied defendant the opportunity to return to the Camry out of safety concerns. On this record, we decline to hold Trooper Davidson was required to allow defendant to return to the Camry to search for the rental agreement.

¶ 69 And last, defendant asserts Trooper Davidson unduly prolonged the traffic stop by looking up the statute allegedly violated for defendant's information. We disagree. Again, Trooper Davidson was not examined about his reasoning for this decision. The record shows Trooper Davidson informed defendant of the reasons for the stop upon his initial approach to the Camry. Then, when inside the patrol vehicle, defendant inquired about the grounds for the stop and then explained his practice of overtaking vehicles. Based upon defendant's comments, Trooper Davidson may have looked up the statute for defendant on belief defendant questioned the grounds

for the stop. On this record, we decline to hold Trooper Davidson was prohibited from looking up the statute allegedly violated for defendant's information.

¶ 70 In sum, we conclude defendant did not make a *prima facie* case that the traffic stop was prolonged beyond its mission, and, therefore, we need not address whether any prolonging of the stop was otherwise lawful as supported by additional fourth amendment justification. Furthermore, absent a clear or obvious error, we need not continue in our analysis under the plain-error doctrine.

¶ 71 F. Was There Probable Cause to Search the Camry?

¶ 72 Third, we consider defendant's challenge to the reasonableness of Trooper Davidson's decision to search the Camry. Defendant contends the evidence recovered from the Camry should have been suppressed because the search of the vehicle was not supported by probable cause. Specifically, he asserts the trial court's findings Trooper Davidson observed cannabis shake and detected the odor of raw cannabis upon his initial approach to the Camry are against the manifest weight of the evidence, and, without those findings, Trooper Davidson lacked probable cause to search the vehicle.

¶ 73 "Warrantless searches are *per se* unreasonable under the fourth amendment, subject to a few specific exceptions." *Cregan*, 2014 IL 113600, ¶ 25. One such exception is the "automobile exception" established in *Carroll v. United States*, 267 U.S. 132 (1925). "Under the automobile exception, law enforcement officers may undertake a warrantless search of a vehicle if there is probable cause to believe that the automobile contains evidence of criminal activity that the officers are entitled to seize." (Internal quotation marks omitted.) *People v. Molina*, 2024 IL 129237, ¶ 20.

¶ 74 Probable cause to search an automobile requires "a showing that the totality of the

facts and circumstances known to the officer at the time of the search would justify a reasonable person in believing that the automobile contains contraband or evidence of criminal activity." *People v. Webb*, 2023 IL 128957, ¶ 25. In determining whether probable cause exists, "an officer may rely on his law-enforcement training and experience to make inferences that might evade an untrained civilian." *Id.* Moreover, "[p]robable cause requires only that the facts available to the officer—including the plausibility of an innocent explanation—would warrant a reasonable man to believe there is a reasonable probability that certain items may be contraband or stolen property or useful as evidence of a crime." (Internal quotation marks omitted.) *Id.*

¶ 75 Although cannabis is no longer contraband in all circumstances, "users must possess and use cannabis in accordance with our laws." (Internal quotation marks omitted.) *Molina*, 2024 IL 129237, ¶ 52. Section 11-502.15(b) of the Vehicle Code (625 ILCS 5/11-502.15(b) (West 2022)) provides, "No driver may possess cannabis within any area of any motor vehicle upon a highway in this State except in a secured, sealed or resealable, odor-proof, child-resistant cannabis container that is inaccessible." A knowing violation of this section is a Class A misdemeanor. *Id.* § 11-502.15(d).

¶ 76 In this case, the trial court concluded Trooper Davidson had probable cause to search the Camry. The court reached that conclusion upon finding (1) Trooper Davidson observed cannabis shake upon his initial approach to the Camry, (2) Trooper Davidson detected the odor of raw cannabis upon his initial approach to the Camry, and (3) defendant admitted to Trooper Davidson to smoking cannabis earlier in the day. We note the court, in reaching its conclusion, did not rely upon Trooper Davidson's testimony that he detected the odor of burnt cannabis emitting from defendant's person while inside the patrol vehicle. The court's oral pronouncements of its decisions on both the motion to suppress evidence and the motion for a new trial show it reached

its factual findings after carefully considering Trooper Davidson's testimony and the audio and video recording of the traffic stop.

¶ 77 Defendant contends the trial court's finding that Trooper Davidson observed cannabis shake upon his initial approach to the Camry is unreasonable. We disagree. To begin with, we find, contrary to defendant's suggestion, the court could reasonably credit Trooper Davidson's testimony that the substance was cannabis shake based upon his training and experience, regardless of whether the substance was tested. Further, to the extent defendant highlights discrepancies in Trooper Davidson's testimony as to whether he observed the cannabis shake upon his initial approach, the court, having observed Trooper Davidson testify, was in a superior position to resolve the discrepancies in that testimony. And last, contrary to defendant's position on appeal, we find the video of the traffic stop, considered along with the photograph of the cannabis shake, does not plainly contradict Trooper Davidson's testimony that he observed cannabis shake upon his initial approach to the Camry. Our review of the evidence, therefore, does not clearly lead us to conclude the court's finding is unreasonable.

¶ 78 Defendant also contends the trial court's finding that Trooper Davidson detected the odor of raw cannabis upon his initial approach to the Camry is not based on the evidence presented. We disagree. To be sure, Trooper Davidson, following his testimony on direct examination about detecting the odor of burnt cannabis on defendant's person while in the patrol vehicle, indicated that was the first time he detected the odor of cannabis and noted he "couldn't smell the shake." However, when examined on cross-examination about his observations during his initial approach to the Camry, Trooper Davidson indicated he detected the odor of raw cannabis, which he asserted was corroborated by his observation of the "raw cannabis shake." This testimony, furthermore, is supported by the statements made by Trooper Davidson in the audio

and video recording of the traffic stop. Certainly, there are discrepancies in Trooper Davidson's account, which we note could have been resolved by a more careful examination of him; however, we find the trial court could reasonably find Trooper Davidson detected the odor of raw cannabis upon his initial approach to the Camry. Our review of the evidence, therefore, does not clearly lead us to conclude the court's finding is not based upon the evidence.

¶ 79 In sum, we find the trial court's factual findings are not against the manifest weight of the evidence. Accepting the factual findings, we conclude, based upon our consideration of the totality of the circumstances presented, there was probable cause to believe the Camry contained improperly transported cannabis, thereby justifying a warrantless search of the vehicle. See *Molina*, 2024 IL 129237, ¶ 61 ("[T]he odor of raw cannabis coming from a vehicle being operated on an Illinois highway, alone, is sufficient to provide police officers, who are trained and experienced in distinguishing between burnt and raw cannabis, with probable cause to perform a warrantless search of a vehicle."); *People v. Knapp*, 2024 IL App (3d) 230140-U, ¶ 12 (concluding the officer's detection of the strong odor of cannabis and observation of cannabis shake supported the probable cause search of the vehicle) (cited as persuasive authority pursuant to Illinois Supreme Court Rule 23(e) (eff. June 3, 2025)). In so concluding, we reject defendant's suggestion, raised for the first time in his reply brief, that the fact he admitted to smoking cannabis earlier cannot be used in the probable-cause analysis; that fact, considered alongside the other facts, provides at least some support to the possibility he was unlawfully transporting cannabis.

¶ 80 G. Did the Search of the Trunk Exceed the Scope of Probable Cause to Search?

¶ 81 And last, we consider defendant's challenge to the reasonableness of Trooper Davidson's decision to search the trunk of the Camry. Defendant contends the evidence recovered

from the Camry should have been suppressed because any probable cause to search did not extend to the trunk of the vehicle.

¶ 82 At the outset, the State asserts defendant has forfeited this issue by failing to raise it in the trial court. We agree. Contrary to defendant's claim on appeal, we find a challenge to the existence of probable cause to conduct a search of a vehicle is distinct from a challenge to the scope of said search, and, therefore, each issue must be raised in the trial court to preserve them for appeal. Indeed, defendant does not cite any authority providing otherwise. Because defendant did not object to the scope of the search at trial and raise the issue in his posttrial motion, we find the issue is forfeited.

¶ 83 Defendant contends, despite his forfeiture, the issue is reviewable under the plain-error doctrine, as a matter of first-prong plain error. See *Schoonover*, 2021 IL 124832, ¶ 27. Again, our first step under the plain-error doctrine is to determine whether there has been a clear or obvious error. *Jackson*, 2022 IL 127256, ¶ 21.

¶ 84 The scope of a warrantless search of an automobile "is defined by the object of the search and the places in which there is probable cause to believe that it may be found." *United States v. Ross*, 456 U.S. 798, 824 (1982). The Supreme Court has stated, "If probable cause justifies the search of a lawfully stopped vehicle, it justifies the search *of every part of* the vehicle and its contents that may conceal the object of the search." (Emphasis added.) *Id.* at 825.

¶ 85 In this case, as previously indicated, there was probable cause to believe the Camry contained improperly transported cannabis. This was based, in part, upon the observation of cannabis shake on the passenger-side floorboard of the vehicle. Trooper Davidson searched the passenger area of the vehicle, where the cannabis shake was initially observed, and then the trunk of the vehicle. Trooper Davidson testified, based upon his experience in law enforcement, the trunk

of a vehicle was a common place to keep cannabis.

¶ 86 Defendant, in support of his contention that any probable cause to search did not extend to the trunk of the vehicle, relies upon *People v. Randall*, 2022 IL App (1st) 210846. *Randall*, however, is distinguishable. An officer in that case immediately searched the trunk of a vehicle rather than its passenger area where the defendant was allegedly making furtive movements, which the reviewing court found, "while not dispositive, tend[s] to support the notion that the officers were on a fishing expedition as opposed to a targeted search based on probable cause." *Id.* ¶ 45. Unlike the officer in *Randall*, Trooper Davidson immediately searched the passenger area of the vehicle, where he observed the cannabis shake, followed by its trunk. Accordingly, we find *Randall* does not support defendant's contention.

¶ 87 Defendant also relies upon *Wimberly v. Superior Court*, 547 P.2d 417, 427 (Cal. 1976), which found a search of a trunk based upon the detection of the odor of burnt cannabis and the observation of a smoking pipe and marijuana seeds in the passenger area of the vehicle exceeded the scope of any probable cause to search. *Wimberly*, however, is distinguishable. First and foremost, *Wimberly* predated the Supreme Court's decision in *Ross*, which, again, stated, "If probable cause justifies the search of a lawfully stopped vehicle, it justifies the search *of every part of* the vehicle and its contents that may conceal the object of the search." (Emphasis added.) *Ross*, 456 U.S. at 825. Furthermore, defendant does not address Illinois case law, which has consistently followed *Ross* and found probable cause to search a vehicle for contraband fully justifies the search of any area of the vehicle, including the trunk, where said contraband might be concealed. See, *e.g.*, *People v. Bowman*, 164 Ill. App. 3d 498, 502-03 (1988); *People v. Binder*, 180 Ill. App. 3d 624, 627 (1989); *People v. Rowell*, 2021 IL App (4th) 180819, ¶¶ 30-31. Accordingly, *Wimberly* does not, without more, support defendant's contention.

¶ 88 In sum, we conclude defendant did not make a *prima facie* case that any probable cause to search did not extend to the trunk of the vehicle. Furthermore, absent a clear or obvious error, we need not continue in our analysis under the plain-error doctrine.

¶ 89 III. CONCLUSION

¶ 90 For the reasons stated, we affirm the trial court's judgment.

¶ 91 Affirmed.