2025 IL App (4th) 241371

NO. 4-24-1371

FILED
September 18, 2025
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellant, v. MAURICE E. DAY, Defendant-Appellee.	))))))))	Appeal from the Circuit Court of Sangamon County No. 23CF572 Honorable Jack D. Davis II, Judge Presiding.

JUSTICE VANCIL delivered the judgment of the court, with opinion.
Justices Steigmann and Lannerd concurred in the judgment and opinion.
Justice Steigmann also specially concurred, with opinion.

OPINION

¶ 1 The State appeals the trial court's decision to grant defendant's motion to quash arrest and suppress evidence. The court found that law enforcement officers lacked reasonable suspicion to momentarily seize defendant, resulting in an unlawful seizure, and, as such, all evidence obtained after the seizure was inadmissible. We reverse and hold that, regardless of any initial unlawful seizure, when defendant reached for his waist and held a gun, his conduct was an intervening circumstance that severed any causal connection to any initial seizure and resulted in the occurrence of a second, lawful seizure, after which the evidence was lawfully obtained. As such, the court should have denied defendant's motion.

¶ 2 I. BACKGROUND

¶ 3 On the evening of July 7, 2023, defendant was arrested by officers of the

Springfield Police Department's street gang unit. Defendant was subsequently indicted on the following seven counts: unlawful possession of a weapon by a street gang member (720 ILCS 5/24-1.8(a)(1) (West 2022)), possession of a weapon without a valid Firearm Owners Identification Card (FOID) card (430 ILCS 65/2(a)(1) (West 2022)), aggravated assault (720 ILCS 5/12-2(c)(6) (West 2022)), resisting a peace officer (*id.* § 31-1(a-7)), aggravated unlawful use of a weapon (*id.* § 24-1.6(a)(2)), and two counts of unlawful possession of a weapon by a felon (*id.* § 24-1.1(a)). On April 29, 2024, defense counsel filed a motion to quash arrest and suppress evidence, arguing that law enforcement lacked reasonable suspicion to seize defendant. The trial court held two hearings on the motion.

¶ 4 The only testimony provided at the hearings was from the three officers. Officer Eric Wise testified first. He testified that the three officers received information that there would be a gang party at the Statehouse Inn related to the gang "SQAD." The officers went to patrol the area at approximately 11:20 p.m., parked north of the hotel, and approached the northeast corner of the parking lot on foot. He testified that the officers were in uniform and armed. He added that he carried a "stop stick" (usually a long triangular box with spikes that flatten the tires of a vehicle that runs over it) in one hand.

¶ 5 Officer Wise further testified, and the body camera footage admitted at the hearing corroborated, that immediately upon entering the parking lot, the officers saw defendant sitting in a parked silver car, with the door open and his feet on the ground, and they turned on their flashlights. He added that Officer Timothy Zock made contact with the driver, he went to the rear-passenger side of the vehicle, and Officer David Craven positioned himself at the front-passenger side. Officer Wise then stated he turned on his flashlight to illuminate the vehicle to search for safety concerns or any contraband that might be in plain view. At that point, he saw

a bottle of tequila in the back seat. When asked by defense counsel whether defendant would have been free to leave at that point, Officer Wise stated, "If he wanted—if he could have put the car in drive, he absolutely could have driven off."

¶ 6 Officer Wise also testified that the bottle of alcohol was "mostly empty," with "only a small amount of liquid left in it." Due to it appearing as if defendant had just arrived or was getting ready to leave, he and the other officers had concerns that alcohol was consumed by defendant and he had control over a vehicle. Officer Wise stated that Officer Zock asked defendant to step out of the vehicle and explain the open bottle of alcohol. He stated that it was his belief that, at that moment, defendant was detained but, prior to that order, it was consensual contact. He testified that if the vehicle were running and defendant drove away, he would not have used the stop stick.

¶ 7 Then Officer Wise testified that, as defendant stood up out of the vehicle, he heard Officer Zock ask, "What are you doing?" and saw a struggle ensue. He went to assist Officer Zock, and as he did, he saw defendant reach toward his waistband. Wise testified that he yelled, "gun," twice when he saw a gun. Officer Wise recalled that he got onto the right side of defendant's person and tried to get control of his arm and body. He added that Officer Craven also joined the struggle. Then, Wise felt defendant drop his body weight and saw the gun pass by his face. Wise felt defendant's body weight shift again and saw his right arm go up in the air. Wise then heard a loud thud in the alley north of their position.

¶ 8 Wise testified that he then left the struggle as the other officers apprehended defendant and went into the alley north of the parking lot. There he located a black Smith & Wesson M&P 9-millimeter semiautomatic pistol. The base pad to the magazine was broken off, and 15 live bullets were lying on the ground next to it. Officer Wise testified that the entire

encounter happened very quickly, and the body camera footage indicates that the encounter lasted approximately one minute (from the moment officers entered the lot to the moment defendant was arrested).

¶ 9 Next, Officer Craven testified. He corroborated the narrative provided by Officer Wise's testimony regarding the events of the encounter. When asked whether he or someone else felt the hood of the vehicle to see if it had recently been running, he testified that he did not, nor could he testify as to what the other officers did. He also could not recall whether the keys were in the ignition. He added that Officer Wise handed him the stop stick. He testified that he heard Officer Zock speaking with defendant, Zock asking defendant to exit the vehicle, and Officer Wise yelling, "gun" and then he saw the struggle ensue. He testified that he went around the front of the vehicle, grabbed defendant's right arm, and lifted it above his head. When asked if he saw the firearm himself, Craven responded, "Yes," and testified that defendant threw it. Then, he and Officer Zock took defendant to the ground and placed him in handcuffs, while Officer Wise went to the alley.

¶ 10 On the second day of the hearing, Officer Zock testified. He corroborated the testimony of Officers Craven and Wise regarding the sequence of events. He also testified that, as he began speaking with defendant, he noticed the bottle of tequila in the back seat and suspected defendant had either just arrived or was about to leave the parking lot, possibly under the influence of alcohol. He then ordered defendant out of the vehicle to investigate his level of sobriety.

¶ 11 Officer Zock then testified that, after he ordered defendant out of the vehicle, defendant reached for his waistband. Zock asked defendant what he was doing, to no response. He then heard Officer Wise yell, "gun," and sensed panic in Wise's voice. The physical altercation then began. Officer Zock also testified that the entire encounter with defendant lasted

approximately a minute.

¶ 12 The trial court found that the officers lacked reasonable suspicion to order defendant out of his car and, as such, the seizure was unlawful. The court reasoned that the officers could have developed their investigation more substantially before ordering defendant to exit the vehicle. The court also reasoned that, due to the presence of the stop stick and the location of the vehicle, the interaction was more than an informal social encounter between a citizen and law enforcement. The court granted defendant's motion and suppressed the evidence.

¶ 13 The State filed a motion to reconsider, which the trial court denied. This appeal followed.

¶ 14 II. ANALYSIS

¶ 15 Our review of a trial court's decision to either grant or deny a motion to suppress evidence is a bifurcated standard; we give great deference to the trial court's factual findings, reversing only when such findings are against the manifest weight of the evidence. *People v. Vences*, 2023 IL App (4th) 220035, ¶ 30. However, we review determinations of law *de novo*. *Id.*

¶ 16 On appeal, the State contends that the trial court erred when it granted defendant's motion to suppress. The State argues the evidence in this case was not "fruit of the poisonous tree" or, in other words, was not the result of an unlawful seizure. The State's first theory is that at no point was the seizure of defendant unlawful. Under the State's theory, when the officers approached defendant initially, the encounter was an informal, consensual one, and, therefore, no seizure occurred. The later seizure that occurred when Officer Zock ordered defendant out of the car was supported by reasonable suspicion that defendant committed or was about to commit the offense of driving under the influence (DUI). Alternatively, the State posits that, even once Officer Zock ordered defendant out of the car, there was no seizure because defendant did not submit to

the officer's show of authority. Finally, the State argues that any initial seizure of defendant ended when he reached toward his waist and then was seen holding a gun. At that point, a new lawful seizure took place. For the following reasons, we agree with the State's final argument.

¶ 17 The fourth amendment to the United States Constitution protects "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const., amend. IV. Similarly, article I, section 6, of the Illinois Constitution provides that the "people shall have the right to be secure in their persons, houses, papers and other possessions against unreasonable searches[and] seizures." Ill. Const. 1970, art. I, § 6. "Under our limited lockstep doctrine, we construe the search and seizure clause of our state constitution in accordance with the United States Supreme Court's interpretation of the fourth amendment unless any of the narrow exceptions to lockstep interpretation apply." *People v. Hagestedt*, 2025 IL 130286, ¶ 16.

¶ 18 Here, the parties disagree as to when and if a seizure occurred and whether any such seizure was lawful. Normally, we would undertake an analysis of whether the order to exit the vehicle was supported by reasonable suspicion (see *Terry v. Ohio*, 392 U.S. 1, 21-22 (1968); see also *People v. Lee*, 214 Ill. 2d 476, 487 (2005)); however, we need not address these issues, as any potential initial seizure was made irrelevant by defendant's subsequent actions. As we will explain in greater detail below, if defendant's actions ultimately ended any initial unlawful seizure and started a new, lawful seizure, at which point evidence was obtained, then whether there was an initial stop and whether it was unlawful are irrelevant.

¶ 19 In *People v. Henderson*, 2013 IL 114040, ¶ 44, our supreme court held that a defendant's own conduct can end an unlawful seizure, stating, "Although defendant's flight did not 'wipe the slate clean, as if the illegal seizure never took place,' it did interrupt the causal

connection between the two events." In analyzing whether such conduct occurred, we analyze "whether the chain of causation proceeding from the unlawful conduct has become so attenuated or has been interrupted by some intervening circumstance so as to remove the taint imposed upon that evidence by the original illegality." (Internal quotation marks omitted.) *Id.* ¶ 33. "Factors relevant to an attenuation analysis include the temporal proximity of the illegal police conduct and the discovery of the evidence; the presence of any intervening circumstances; and the purpose and flagrancy of the official misconduct." *Id.*

¶ 20 In *Henderson*, officers stopped a vehicle based on an anonymous tip about a possible gun. *Id.* ¶ 3. They handcuffed the driver and front seat passenger after stopping the vehicle, then ordered the back seat passenger, the defendant, to exit. *Id.* ¶¶ 3-4. The defendant initially complied but then fled and, in the process, dropped a handgun. *Id.* ¶ 4. The court analyzed the attenuation factors, finding that temporal proximity favored the defendant due to the brevity of the encounter. *Id.* ¶ 36. However, regarding the second factor—intervening circumstances—the court, relying on *California v. Hodari D.*, 499 U.S. 621 (1991), reasoned that, "[a]lthough defendant seeks to minimize the legal significance of his flight from the vehicle stop, we agree with the State that defendant's flight 'ended the seizure,' and 'anything happening thereafter was, by its very nature, no longer tied to the initial stop.' " *Henderson*, 2013 IL 114040, ¶ 37. Finally, the court found no official misconduct on the part of law enforcement. *Id.* ¶ 49.

¶ 21 The facts of this case are similar to the facts of *Henderson*. Here, defendant initiated what amounted to at least a struggle with officers and at worst an assault. The first attenuation factor, temporal proximity, weighs in favor of defendant. The whole encounter, from the moment the officers saw defendant to when the physical altercation began, was approximately one minute long. Seemingly, the trial court struggled with finding attenuation because of the swift progression

of the entire situation. However, we see a clear dividing line when defendant reaches for his waistband and a physical altercation occurs with the officers. Thus, we see the sequence of events as follows: (1) officers' initial approach of defendant and the vehicle and questioning (which defendant contends was an unlawful seizure), (2) Officer Zock's order for defendant to exit the vehicle, (3) the struggle between the officers and defendant instigated by defendant's reach for his waist, and (4) defendant's arrest.

¶ 22 At the hearing, Officer Wise testified that he saw defendant reach toward his waistband and then saw a gun pointed at his face. Officer Craven testified that he saw the struggle begin and heard Officer Wise yell, "gun," and saw him join the altercation. Officer Zock also testified that, once he asked defendant to step out of the vehicle, defendant stood up and reached for his waist, to which Zock asked what he was doing, to no response. Defendant did not present testimony or evidence contradicting any of this testimony.

¶ 23 Therefore, with *Henderson* in mind, we hold that defendant's conduct interrupted the causal connection between any potential unlawful seizure and the discovery of the evidence. Accordingly, we find defendant's conduct to be an intervening circumstance.

¶ 24 Finally, the third factor is the "purpose and flagrancy of the official misconduct." *Id.* ¶ 48. "[O]fficer conduct is flagrant when it is carried out in such a manner as to cause surprise, fear, and confusion, or when it has a quality of purposeful or intentional misconduct." (Internal quotation marks omitted.) *Id.* ¶ 49. Defendant argues the officers' misconduct arose where the officers received information there was a gang party, approached the first person they saw, carried a stop stick, surrounded the parked car that defendant was seated in, and intimidated him. Even assuming for the sake of argument that this conduct was less than desirable, or even improper, not all improper conduct is *flagrant*. See *People v. Johnson*, 237 Ill. 2d 81, 95 (2010). It may be that

the officers' show of authority intimidated defendant. However, defendant did not testify that he was frightened or confused by the officers' actions. Certainly, the conduct in this case was not enough to warrant defendant's response of reaching for a weapon.

¶ 25 Defendant points out, as did the trial court, that if the officers seriously suspected defendant of DUI, they could have employed better police tactics to develop facts to support reasonable suspicion, including asking more questions, speaking with defendant longer to determine whether he was slurring his words, determining whether he had the keys to the car, and feeling the car to determine whether it had been running. We hold that this conduct does not rise to the level of flagrant, improper conduct that amounts to police misconduct.

¶ 26 Defendant also argues, and the trial court agreed, that the case would not be before us if it were not for the officers' initial, unlawful stop. First, as stated above, we do not offer an opinion as to whether there was a stop prior to defendant reaching for his waist, nor whether any seizure was lawful. As our supreme court has recognized, the United States Supreme Court has rejected a "but-for" test in this area. *Henderson*, 2013 IL 114040, ¶ 34. Instead, "the question is 'whether, granting establishment of the primary illegality, the evidence to which instant objection is made has been come at by exploitation of that illegality or instead by means sufficiently distinguishable to be purged of the primary taint.' " *Id.* ¶ 33 (quoting *Wong Sun v. United States*, 371 U.S. 471, 488 (1963)). In this case, the discovery of the gun was not obtained as a result of the exploitation of an unlawful seizure. If defendant had exited the vehicle, stood up, then put his hands on the top of the vehicle and remained still, Officer Zock may have frisked him and discovered the gun in his waistband. However, as the record stands, defendant took the liberty to reveal the gun himself when he pulled it from his waistband.

¶ 27 We find *State v. Miskimins*, 435 N.W.2d 217 (S.D. 1989), illustrative and

persuasive. There, the South Dakota Supreme Court held that, despite possible police misconduct, "defendant's actions of assaulting Officer Parrish with a loaded shotgun and threatening to kill him when Parrish had made no move to harm defendant constituted probable cause to arrest defendant for aggravated assault," thus breaking the causal connection. *Id.* at 222. The court reasoned:

> "Other jurisdictions on both the state and federal levels have faced the same issue where the initial arrest, stop or search and seizure was determined to be illegal. For these appellate bodies, the question then became whether the illegal actions of the officers merely reveal a crime that has been or is being committed by the time the police misconduct brings the crime to the attention of the authorities. Given such a circumstance, this evidence would be suppressible under the fruit of the poisonous tree doctrine. On the other hand, where the defendant's response is itself a new, distinct criminal act, there are sound policy reasons for not suppressing this evidence. *United States v. Bailey*, 691 F.2d 1009, 1017-18 (11th Cir.1982), *cert. denied*, 461 U.S. 933, 103 S.Ct. 2098, 77 L.Ed.2d 306 (1983). What is required of the state at this point is that it establish intervening events or circumstances independent of the primary illegality that may have so attenuated the causal connection as to dissipate the taint of the unlawful police action. *Bailey*, 691 F.2d at 1013.
>
> To rule otherwise would allow a defendant carte blanche authority to go on whatever criminal rampage he desired and do so with virtual legal impunity *as long as such actions stemmed from the chain of causation started by the police misconduct, be it minor or major*. In the case at bar, such a holding would have

allowed defendant to summarily execute Officers Smith and Parrish with no legal accountability assuming the officers failed to fully comply with a statute ***." (Emphasis added.) *Id.* at 221.

¶ 28 The United States Supreme Court in *Hodari D.* provided similar policy reasoning:

> "We do not think it desirable, even as a policy matter, to stretch the Fourth Amendment beyond its words and beyond the meaning of arrest, as respondent urges. Street pursuits always place the public at some risk, and compliance with police orders to stop should therefore be encouraged. Only a few of those orders, we must presume, will be without adequate basis, and since the addressee has no ready means of identifying the deficient ones it almost invariably is the responsible course to comply. Unlawful orders will not be deterred, moreover, by sanctioning through the exclusionary rule those of them that are not obeyed. Since policemen do not command 'Stop!' expecting to be ignored, or give chase hoping to be outrun, it fully suffices to apply the deterrent to their genuine, successful seizures." (Emphasis omitted.) *Hodari D.*, 499 U.S. at 627.

Due to defendant's own actions, he was charged with aggravated assault, resisting a peace officer, and aggravated unlawful use of a weapon. These are separate crimes from his possession charges that would not have arisen had he complied with law enforcement. It is fortunate that the situation did not devolve into a more tragic ending.

¶ 29 In sum, we do not address whether the initial encounter where officers approached defendant in a parked vehicle in a private parking lot was a seizure, lawful or otherwise, nor do we address whether Officer Zock's order to defendant to exit the vehicle was a seizure supported by reasonable suspicion. Today, we adhere to the principles set forth in *Henderson* that an intervening

act can sever the causal connection between an unlawful seizure and the production of evidence. Here, when defendant reached for his waist and held a gun during a struggle with officers, he ended any unlawful seizure that could taint the evidence as fruit of the poisonous tree.

¶ 30 III. CONCLUSION

¶ 31 For the reasons stated, we reverse the trial court's decision to suppress evidence obtained following defendant's arrest and vacate the order granting defendant's motion to quash arrest and suppress evidence. We remand for proceedings consistent with this opinion.

¶ 32 Reversed and remanded.

¶ 33 JUSTICE STEIGMANN, specially concurring:

¶ 34 At the oral arguments in this case, the first question I asked defendant's counsel was the following: "What legal justification does a police officer need to walk up to a parked car and ask its occupant questions?"

¶ 35 He responded, "Reasonable suspicion."

¶ 36 That answer was clearly wrong.

¶ 37 Although I fully agree with my distinguished colleagues in the majority, I write this special concurrence to (1) emphasize that counsel's answer was wrong as a matter of law and (2) reiterate what this court has written on this subject. I should add that I do so in this special concurrence because the matter I address is not necessary to the court's resolution of the issue in this case. Nonetheless, because this issue is important, it is essential for courts of review to provide guidance to the trial bar and bench on this subject.

¶ 38 Twelve years ago, this court rendered an opinion in *People v. Woods*, 2013 IL App (4th) 120372, which is directly on point. In that case, Bloomington police officer Elias Mendiola stopped his police car and approached a parked vehicle in a parking lot in front of a housing

complex. *Id.* ¶ 7. The defendant and his girlfriend, Jackson, were sitting in that vehicle—the defendant in the driver's seat and his girlfriend in the passenger seat. *Id.* This court then discussed the interaction between Mendiola and the defendant as follows:

> "Mendiola began questioning the couple from the driver's window to make sure they were allowed to be on the housing complex grounds. (A second officer arrived shortly thereafter to speak specifically with Jackson from the passenger window.)
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> Mendiola asked to see defendant's identification to verify that he was permitted to be in the housing complex. Defendant responded that he did not have identification and told Mendiola that his name was 'John Jones.' Jackson provided her housing identification, verifying that she lived at the Sunnyside Housing Complex. Jackson explained to Mendiola that defendant was her guest.
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> Mendiola testified that he submitted the names provided by the couple to dispatch. Dispatch responded that those names came back 'clear.' Although skeptical of the name defendant provided, Mendiola did not pursue it further because defendant appeared nervous. While he was speaking to defendant, Mendiola told defendant to keep his hands visible and then 'called him out on why he was nervous.' Defendant responded, 'no reason,' but Mendiola was concerned because of the neighborhood's history of violence. At one point, defendant made a 'quick movement with his right hand towards his right front pocket.' Mendiola said that he reiterated that he wanted defendant to keep his hands visible and that if he made a quick movement like that again, [Mendiola] would 'produce a weapon' because he would 'assume [defendant was] going for a weapon.' Mendiola then asked defendant for consent to pat him down. Defendant consented and exited the

vehicle so that Mendiola could do so.

Mendiola escorted defendant to the rear of Jackson's vehicle, where he initiated the pat down. When Mendiola 'got to the waistband area,' defendant started looking down and appeared nervous again; defendant was 'trembling.' Mendiola then asked defendant for consent to search his right front pocket, and defendant consented. That search revealed two rocks of cocaine inside some cellophane. Mendiola thereafter arrested defendant. After being read his rights at the police station, defendant confirmed that he consented to the pat-down search." *Id.* ¶¶ 7-10.

¶ 39 The defendant filed a motion to suppress this evidence, which the trial court denied. *Id.* ¶ 13.

¶ 40 The defendant appealed, arguing in part that "Mendiola violated his fourth amendment right to be free from unreasonable searches and seizures by exceeding the scope of the initial stop." *Id.* ¶ 22.

¶ 41 We rejected the defendant's contention, explaining as follows:

"Initially, we note that defendant's characterization of his interaction with Mendiola as a 'stop' is inaccurate insofar as that characterization implies that defendant was seized when Mendiola approached defendant. (The State inexplicably accepts the defendant's characterization of the encounter as a 'stop' in its brief, describing the encounter as a 'stop [that] was not impermissibly prolonged.') Contrary to the parties' characterization, no stop occurred in this case. When Mendiola parked his vehicle next to defendant and Jackson, walked up to Jackson's vehicle (where defendant was in the driver's seat), and began asking

defendant questions, Mendiola and defendant were engaged in a classic 'consensual encounter.'

It is 'well settled' that not every encounter between police and private citizens results in a seizure. *People v. Luedemann*, 222 Ill. 2d 530, 544 (2006). Police-citizen encounters are divided into the following three 'tiers': (1) arrests, which must be supported by probable cause; (2) brief investigative detentions, or '*Terry* stops,' which must be supported by reasonable, articulable suspicion of criminal activity (*Terry v. Ohio*, 392 U.S. 1 (1968)); and (3) encounters that involve no coercion or detention and thus do not implicate fourth-amendment interests. *Luedemann*, 222 Ill. 2d at 544-48 (adding that the so-called 'community caretaking' doctrine is analytically distinct from consensual encounters because it is invoked to validate a search or seizure only after the determination of whether a search or seizure had taken place).

Having outlined the three tiers of police-citizen encounters, we turn to the encounter between defendant and Mendiola in this case.

In this context, an individual is 'seized' for purposes of the fourth amendment when an officer 'by means of physical force or show of authority, has in some way restrained the liberty of a citizen.' (Internal quotation marks omitted.) *Luedemann*, 222 Ill. 2d at 550. The appropriate inquiry here is whether a reasonable, innocent person would feel free to decline the officer's requests or otherwise terminate the encounter. *Id.* (explaining that this is the appropriate test for a person seated in a parked car who is approached by a police officer). Citing Professor Wayne LaFave (4 Wayne R. LaFave, Search and Seizure § 9.4(a), at

419-21 (4th ed. 2004)), the supreme court explained why a consensual encounter is not a seizure, as follows:

> '[T]he police may approach and question a person seated in a parked vehicle without that encounter being labeled a seizure. As Professor LaFave has noted, "if an officer merely walks up to a person standing or sitting in a public place (or, indeed, who is seated in a vehicle located in a public place) and puts a question to him, this alone does not constitute a seizure." 4 W. LaFave, Search & Seizure § 9.4(a), at 419-21 (4th ed. 2004). The "seated in a vehicle" clause of the above passage is supported by a lengthy list of citations to the many state and federal decisions that have recognized this rule. See 4 W. LaFave, Search & Seizure § 9.4(a), at 419-20, 420 n.49 (collecting cases). In *Murray*, this court held that the mere approaching and questioning of a person seated in a parked vehicle does not constitute a seizure and listed many decisions from other jurisdictions that had reached the same conclusion. [*People v.*] *Murray*, 137 Ill. 2d [382], 391-93 [(1990)]. Thus, any analysis of such a situation must begin with the recognition that the police may approach a person seated in a parked vehicle and ask questions of that person without that encounter being labeled a seizure. The encounter becomes a seizure only if the officer, through physical force or a show of authority, restrains the liberty of the vehicle's occupant. See [*Florida v.*] *Bostick*, 501 U.S. [429,] 434 [(1991)].' *Luedemann*, 222 Ill. 2d at 552-53.
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> The encounter in [*Woods*] was a textbook consensual encounter. Mendiola

parked adjacent to Jackson's vehicle without illuminating the lights on his squad car and approached defendant only to inquire as to whether defendant was permitted to be on the grounds of the housing complex. In so doing, Mendiola demonstrated no physical force or show of authority that would have in any way made a reasonable, innocent person feel like he was not free to decline the officer's request or otherwise terminate the encounter. Accordingly, we conclude that the encounter between defendant and Mendiola was a consensual encounter; thus, the fourth amendment simply does not apply." (Emphases omitted.) *Id.* ¶¶ 23-27.

¶ 42 We note that defense counsel in the present case, as well as the trial court, when assessing the conduct of the Springfield police officers, seemed to conflate each step of the interaction between the police and defendant into one transaction. Lumping all such matters together is error.

¶ 43 In *People v. Ricksy*, 206 Ill. App. 3d 302, 306-07 (1990), this court explained how a trial court should examine the evidence presented by the parties at a hearing on a motion to suppress evidence, which is likewise applicable in the present case. In *Ricksy*, we wrote the following:

"We suggest the following analytical approach for trial courts to use when deciding motions to suppress evidence. When, as here, the evidence before the court reveals a series of interactions between the police and a person who is being stopped or searched, the court's analysis should be as finely divided as possible to distinguish among the various stages of that interaction.

Using the present case as an example, the evidence presented at the hearing on the motion to suppress raised the following distinctive questions: (1) Was the

> initial stop of the Mustang lawful? (2) Assuming the initial stop to be lawful, did the officer lawfully order the passengers to get out and to stand at the rear of the vehicle? (3) Assuming that order was lawful, did the officer lawfully conduct a pat-down of the defendant? And (4) assuming the pat-down was lawful, did the officer lawfully remove the envelope from defendant's pants pocket?
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> At the conclusion of the evidence and before counsel began their arguments on the motion, had the court framed the issues before it in this fashion, both the trial court and this court could have received clear statements as to what the parties' respective positions were on these issues. An additional benefit would be that each counsel would argue the facts and law counsel deemed supportive. The last advantage of utilizing this procedure would be that the trial court, when complying with the requirements of section 114-12(e) of the Code [of Criminal Procedure of 1963 (Ill. Rev. Stat. 1989, ch. 38, ¶ 114-12(e))] , could state with specificity its findings of fact with regard to each of these separate questions, as well as its conclusions of law based thereon." *Id.*

See *People v. Salvator*, 236 Ill. App. 3d 824, 835-36 (1992) (citing *Ricksy* approvingly and applying its framework of analysis); *People v. Sadeq*, 2018 IL App (4th) 160105, ¶¶ 54-56 (same).

¶ 44 Applying the *Ricksy* analysis to the present case, the first interaction between the Springfield police officers and defendant was the decision of the officers to approach defendant in a parked car in the parking lot. Accordingly, consistent with the very first question I asked defense counsel at oral argument, the question regarding the officer's conduct was the following: "What legal justification did the Springfield police officer need to walk up to the parked car in which defendant was sitting and ask the defendant questions?" As I wrote earlier, the correct answer is

absolutely none. That is, the officer could do so merely because he was curious or even just nosy. His motivation does not matter, and he required no justification for taking that action.

¶ 45 The next step in the *Ricksy* analysis is to analyze the conversation between defendant and the officer that then took place and to ask to what extent, if any, did the officers' conduct at that point constitute a seizure.

¶ 46 However, for the reasons stated in the majority opinion by my distinguished colleagues—with which I fully agree and join—the intervening circumstances in this case severed any causal connection to any initial seizure that may have occurred. That intervening circumstance occurred when defendant stood up outside the car, reached for his waist, and pulled out a gun.

Decision Under Review:	Appeal from the Circuit Court of Sangamon County, No. 23-CF-572; the Hon. Jack D. Davis, Judge, presiding.
Attorneys for Appellant:	John C. Milhiser, State's Attorney, of Springfield (Patrick Delfino, David J. Robinson, and James Ryan Williams, of State's Attorneys Appellate Prosecutor's Office, of counsel), for the People.
Attorneys for Appellee:	James E. Chadd, Catherine K. Hart, and Daniel N. Arkes, of State Appellate Defender's Office, of Springfield, for appellee.