

SUPREME COURT OF ILLINOIS

People v. Cox, 202 Ill. 2d 462

782 N.E.2d 275, 270 Ill. Dec. 81 (2002) · No. No. 90759 · Decided December 5, 2002

SUMMARY

The Supreme Court of Illinois affirmed suppression of evidence obtained after a traffic stop, holding that the police lacked specific and articulable facts to justify extending the stop for a canine drug sniff. The court also concluded that the approximately 15-minute detention exceeded the permissible scope and duration of the traffic investigation. A dissent argued that the illegal-detention theory was waived and unsupported by the record.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Freeman; Freeman; Fitzgerald; Garman; Thomas
JURISDICTION	Illinois
DECIDED	December 5, 2002
DOCKET	No. 90759
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed from an appellate court judgment affirming an order of the circuit court of Wayne County suppressing evidence obtained after a traffic stop. The Illinois Supreme Court granted the State's petition for leave to appeal.
STANDARD OF REVIEW	A suppression ruling presents mixed questions of law and fact. The reviewing court gives great deference to the trial court's factual findings but reviews de novo the ultimate legal determination whether the facts establish an unconstitutional seizure.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	The People of the State of Illinois v. Anne F. Cox

TOPICS

- suppression of evidence
- fourth amendment
- search and seizure
- criminal procedure
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the police unlawfully prolonged a traffic stop and conducted a canine sniff without specific and articulable facts giving rise to reasonable suspicion of drug-related criminal activity.
2. Whether the evidence recovered from Cox's vehicle and person was properly suppressed as the product of the unlawful detention.

HOLDINGS

1. Although the initial stop for the traffic violation was lawful, the officers unlawfully broadened and prolonged the stop by calling a canine unit without specific and articulable facts supporting suspicion of drug activity and by detaining Cox for approximately 15 minutes while the dog arrived.
2. The circuit court properly suppressed the evidence recovered from Cox's vehicle and person because the canine sniff and ensuing detention were impermissible.

KEY QUOTATIONS

"In sum, Officer McCormick did not have "specific and articulable facts which, taken together with rational inferences therefrom," reasonably warranted an extended detention of defendant's vehicle, and the ensuing drug-sniff test." (202 Ill. 2d at 470-71)

"We conclude that the dog-sniff test of defendant's vehicle was impermissible." (202 Ill. 2d at 471)

FACTUAL BACKGROUND

At approximately 2:21 a.m. on July 18, 1998, Officer McCormick stopped Cox's vehicle because it lacked a rear registration light. Without smelling cannabis or identifying any other fact suggesting drug activity, he called a canine unit at the outset of the stop. About 15 minutes later, while McCormick was still writing the traffic ticket, the dog alerted during an exterior sniff; officers then searched the vehicle and patted down Cox, finding possible cannabis seeds and residue in the vehicle and cannabis on her person.

PROCEDURAL HISTORY

After Officer McCormick stopped Cox's vehicle for lacking a rear registration light, a canine sniff led to a vehicle search and a pat-down that uncovered cannabis. The circuit court granted Cox's motion to suppress, and the appellate court affirmed. The Illinois Supreme Court affirmed the appellate court.

DISPOSITION

affirmed

CASES CITED

- *People v. Thomas*, 198 Ill. 2d 103, 108-10, 259 Ill. Dec. 838, 759 N.E.2d 899 (2001)

- People v. Shapiro, 177 Ill. 2d 519, 524, 227 Ill. Dec. 142, 687 N.E.2d 65 (1997)
- People v. Sorenson, 196 Ill. 2d 425, 431, 433, 256 Ill. Dec. 836, 752 N.E.2d 1078 (2001)
- Terry v. Ohio, 392 U.S. 1, 19-22 (1968)
- Florida v. Royer, 460 U.S. 491, 500 (1983)
- United States v. Sharpe, 470 U.S. 675, 685-87 (1985)
- People v. Brownlee, 186 Ill. 2d 501, 517-19, 239 Ill. Dec. 25, 713 N.E.2d 556 (1999)
- People v. Tisler, 103 Ill. 2d 226, 241-45, 82 Ill. Dec. 613, 469 N.E.2d 147 (1984)
- People v. Ortiz, 317 Ill. App. 3d 212, 220, 250 Ill. Dec. 542, 738 N.E.2d 1011 (2000)
- People v. Easley, 288 Ill. App. 3d 487, 491, 223 Ill. Dec. 826, 680 N.E.2d 776 (1997)
- People v. Koutsakis, 272 Ill. App. 3d 159, 163-64, 208 Ill. Dec. 549, 649 N.E.2d 605 (1995)
- People v. Luna, 322 Ill. App. 3d 855, 859, 256 Ill. Dec. 597, 752 N.E.2d 477 (2001)
- United States v. Brignoni-Ponce, 422 U.S. 873, 878 (1975)
- People v. Campbell, 67 Ill. 2d 308, 316, 10 Ill. Dec. 340, 367 N.E.2d 949 (1977)
- People v. Fondia, 317 Ill. App. 3d 966, 251 Ill. Dec. 553, 740 N.E.2d 839 (2000)
- United States v. Place, 462 U.S. 696, 707 (1983)
- City of Indianapolis v. Edmond, 531 U.S. 32, 40 (2000)
- Kyllo v. United States, 533 U.S. 27, 37-40 (2001)