

APPELLATE COURT OF ILLINOIS, SECOND DISTRICT

People v. Molitor

2026 IL App (2d) 240644 · No. 2-24-0644 · Decided February 27, 2026

SUMMARY

The Illinois Appellate Court, Second District, reviewed Dustin Molitor’s conviction for unlawful possession of fentanyl. The court held that police exceeded the permissible scope of a Terry pat-down by removing and searching Molitor’s wallet during a retail-theft investigation, and it reversed the trial court’s denial of the motion to suppress. The excerpt does not include the complete opinion.

CASE DETAILS

COURT	Appellate Court of Illinois, Second District
WRITING FOR THE COURT	Justice McLaren; Justice Hutchinson; Justice Schostok
JURISDICTION	Illinois Appellate Court, Second District
DECIDED	February 27, 2026
DOCKET	2-24-0644
DISPOSITION	reversed
PROCEDURAL POSTURE	Defendant appealed from the denial of his motion to suppress evidence, his conviction after a stipulated bench trial for unlawful possession of a controlled substance, and his sentence of 12 months' conditional discharge.
STANDARD OF REVIEW	Under the Ornelas two-part standard, historical factual findings are reviewed for clear error or manifest weight of the evidence, while the ultimate legal ruling on whether suppression is warranted is reviewed de novo.
PRECEDENTIAL VALUE	Published and precedential Illinois Appellate Court opinion
PARTIES	Dustin Molitor v. The People of the State of Illinois

TOPICS

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

PRACTICE AREAS

- criminal procedure
- constitutional law
- evidence
- appellate procedure

QUESTIONS PRESENTED

1. Whether the officers' removal and search of Molitor's wallet exceeded the permissible scope of a Terry pat-down search.
2. Whether the warrantless search of the wallet was justified by officer-safety concerns, the investigation of the reported retail theft, or Molitor's statements and behavior.
3. Whether the contents of the wallet should have been suppressed as the product of an unconstitutional search.

HOLDINGS

1. Even assuming the pat-down was lawful at its inception, officers exceeded Terry's permissible scope by removing and searching Molitor's wallet after determining that it was not a weapon.
2. Molitor's statements and behavior did not establish a valid basis for the warrantless search of his wallet, and the record did not support the State's claim that he disclaimed ownership of it.
3. The contents of Molitor's wallet were obtained through an unconstitutional search and should have been suppressed.

KEY QUOTATIONS

“The sole justification for the search is to protect the police officer and others in the vicinity, not to gather evidence.” (¶ 43)

“As soon as the officer is satisfied that an object is not a weapon, a further search to determine the nature or identity of the object is impermissible.” (¶ 48)

“Therefore, the scope of the search exceeded what is constitutionally permissible under Terry, and we reverse the trial court’s order denying defendant’s motion to suppress.” (¶ 54)

FACTUAL BACKGROUND

Police responded to a Dollar General store for a reported retail theft and detained Dustin Molitor after an employee identified him as a possible suspect. Molitor consented to a search of his backpack, but not to a search of his person or wallet. During a pat-down, an officer removed Molitor's wallet, returned it to his pocket, and then removed and opened it at another officer's direction; the officers found a controlled substance in a zipped or snapped compartment. The officers also found cannabis and a pipe in the backpack, but Molitor was charged only with possession of a controlled substance.

PROCEDURAL HISTORY

Aurora police officers detained Molitor during an investigation of a reported retail theft, removed and searched his wallet, and discovered a controlled substance. The circuit court of Kane County denied Molitor's motion to suppress, and he was found guilty after a stipulated bench trial and sentenced to 12 months' conditional discharge. The circuit court denied his motion for a new trial, and Molitor timely appealed.

DISPOSITION

reversed

CASES CITED

- Terry v. Ohio, 392 U.S. 1 (1968)
- People v. Alexander, 2021 IL App (2d) 180193, ¶ 47
- Ornelas v. United States, 517 U.S. 690, 699 (1996)
- People v. Luedemann, 222 Ill. 2d 530, 542 (2006)
- People v. Johnson, 237 Ill. 2d 81, 89 (2010)
- People v. Brooks, 2017 IL 121413, ¶ 27
- People v. Colyar, 2013 IL 111835, ¶¶ 32, 35-36
- People v. Baker, 2020 IL App (2d) 180300, ¶¶ 17-18
- People v. Flowers, 179 Ill. 2d 257, 262-63 (1997)
- People v. Sorenson, 196 Ill. 2d 425, 432-33, 439-40 (2001)
- People v. Davis, 352 Ill. App. 3d 576, 580 (2004)
- People v. Pratcher, 332 Ill. App. 3d 1063, 1067-69 (2002)
- Minnesota v. Dickerson, 508 U.S. 366, 378 (1993)
- People v. Mitchell, 165 Ill. 2d 211, 228 (1995)
- Miranda v. Arizona, 384 U.S. 436 (1966)