

SUPREME COURT OF ILLINOIS

People v. Cummings

2016 IL 115769 (Ill. 2016) · No. 115769 · Decided March 3, 2016

SUMMARY

The Illinois Supreme Court considered whether a police officer’s request for a driver’s license, made during a lawful stop initiated to investigate an arrest warrant associated with the vehicle’s registered owner, impermissibly prolonged the stop under the Fourth Amendment. Applying *Rodriguez v. United States*, the court held that requesting a driver’s license is an ordinary inquiry incident to a lawful stop and is permissible regardless of whether it directly relates to the stop’s original purpose. The court reversed the appellate and circuit court judgments suppressing evidence and remanded the cause.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Chief Justice Garman; Justice Freeman; Justice Thomas; Justice Kilbride; Justice Karmeier; Justice Burke; Justice Theis
JURISDICTION	Illinois
DECIDED	March 3, 2016
DOCKET	115769
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	On remand from the United States Supreme Court after that Court vacated the Illinois Supreme Court's prior judgment and remanded for consideration in light of <i>Rodriguez v. United States</i> , the Illinois Supreme Court reconsidered whether an officer's request for a driver's license impermissibly prolonged a lawful investigative stop.
STANDARD OF REVIEW	The court reviewed the constitutional suppression issue de novo, applying Fourth Amendment principles to the undisputed circumstances of the stop.
PRECEDENTIAL VALUE	published and precedential
PARTIES	The People of the State of Illinois v. Derrick A. Cummings

TOPICS

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

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether, under *Rodriguez v. United States*, an officer may request a driver's license from a driver lawfully stopped for a reason unrelated to traffic enforcement after the officer's initial suspicion concerning the registered owner has dissipated.
2. Whether the driver's license request impermissibly prolonged the stop in violation of the Fourth Amendment.

HOLDINGS

1. When a stop is lawfully initiated, the officer may request the driver's license as an ordinary inquiry incident to the stop, even if the request does not directly relate to the original purpose of the stop.
2. The license request did not measurably prolong the stop for Fourth Amendment purposes because it was an ordinary inquiry within the stop's mission.

KEY QUOTATIONS

“Thus, where a traffic stop is lawfully initiated, the interest in officer safety entitles the officer to know the identity of a driver with whom he is interacting.” (¶ 17)

“The United States Supreme Court’s decision in Rodriguez makes clear that a driver’s license request of a lawfully stopped driver is permissible irrespective of whether that request directly relates to the purpose for the stop.” (¶ 20)

FACTUAL BACKGROUND

Officer Shane Bland stopped a van in Sterling because an arrest warrant existed for Pearlene Chattic, the van's registered owner. After the stop, Bland discovered that the driver was Derrick Cummings, a man who could not be Chattic, and therefore his suspicion that the driver was the person named in the warrant disappeared. Bland nevertheless requested Cummings's driver's license and proof of insurance; Cummings said he had no driver's license and was cited for driving while his license was suspended.

PROCEDURAL HISTORY

The Whiteside County circuit court granted Cummings's motion to suppress evidence. The Illinois Appellate Court for the Third District affirmed. The Illinois Supreme Court affirmed in its prior decision, *People v. Cummings*, 2014 IL 115769, but the United States Supreme Court vacated that judgment and remanded in light of *Rodriguez v. United States*. On remand, the Illinois Supreme Court reversed the appellate court and circuit court judgments and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The cause was remanded for further proceedings consistent with the opinion after reversal of the appellate court's judgment and the circuit court's suppression judgment.

CASES CITED

- People v. Cummings, 2014 IL 115769
- Rodriguez v. United States, 575 U.S. ___, 135 S. Ct. 1609 (2015)
- Illinois v. Cummings, ___ U.S. ___, 135 S. Ct. 1892 (2015)
- Illinois v. Caballes, 543 U.S. 405, 407-08 (2005)
- Arizona v. Johnson, 555 U.S. 323, 330, 333 (2009)
- United States v. \$404,905.00 in U.S. Currency, 182 F.3d 643, 649 (8th Cir. 1999)
- City of Indianapolis v. Edmond, 531 U.S. 32, 41 (2000)
- United States v. Holt, 264 F.3d 1215, 1221-22 (10th Cir. 2001)
- United States v. Stewart, 473 F.3d 1265, 1269 (10th Cir. 2007)
- Muehler v. Mena, 544 U.S. 93, 101 (2005)
- People v. Caballes, 221 Ill. 2d 282, 289-314 (2006)