No. _____

In The

Supreme Court of the United States

JERILYN MARTA GREEN,

Petitioner,

v.

STATE OF ILLINOIS,

Respondent.

On Petition For Writ Of Certiorari To The Appellate Court Of Illinois, Third District

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

Did the officer have a reasonable suspicion to warrant a traffic stop where the right side tires of the Petitioner's car made a single, brief touch, but did not cross, the faded fog line on a rural, unlit, stretch of interstate highway at night?

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PETITION FOR WRIT OF CERTIORARI

PRAYER

Jerilyn Marta Green respectfully petitions for a writ of certiorari to review the judgment of the Appellate Court of Illinois, Third District, in this case.

OPINIONS BELOW

The decision of the Appellate Court of Illinois, Third, District, is not published. App. 1-5.

JURISDICTION

The order of the Appellate Court of Illinois, Third District, was entered on April 11, 2013. A timely petition for leave to appeal to the Supreme Court of Illinois was filed by Jerilyn Marta Green. On September 25, 2013, the Supreme Court of Illinois denied leave to appeal. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

CONSTITUTIONAL PROVISIONS INVOLVED

1. The Fourth Amendment to the United States Constitution provides in pertinent part:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated,. . . .

2. The Fourteenth Amendment to the United States Constitution provides in pertinent part:

> No state shall make or enforce any law which shall abridge the privileges of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

On April 13, 2011, at approximately 10:50 p.m., Jerilyn Marta Green, a resident of Sebastopol, California, was driving her 1997 Jeep eastbound on Interstate 80. Illinois State Trooper Matos was on patrol on Interstate 80 and stopped Green's vehicle, searched Green's vehicle without a search warrant, and arrested Green for possession of marijuana. The petitioner filed a motion to suppress. Jerilyn Green and Trooper Matos testified at the suppression hearing.

Jerilyn Green indicated that the only vehicle near her on the road was a truck. Green testified that when she approached the truck, she looked over her shoulder, saw that there were no cars behind her to her left, put on her blinker, and proceeded to the left lane. After passing the truck, Green looked to make sure that it was safe, put on her blinker, and proceeded to move into the right lane ahead of the truck. Jerilyn Green testified that she did not violate any traffic laws. Green noticed a police car with its emergency lights activated. Green put on her blinker and pulled over onto the shoulder of the interstate highway.

On cross-examination, Green testified that she had a conversation with the trooper after he pulled her over, and that he indicated that the reason he stopped her was because he believed she went over the fog line. Green indicated to the trooper that she did not know what a fog line was, as she never heard of one before and, therefore, did not know why she was being pulled over. After watching the DVD produced from the officer's squad car, Green testified that the white line along the right edge of the right lane is only vaguely visible and that there are some sections where the line dividing the right lane and the shoulder is painted, while in other areas it is not painted.

Jerilyn Green testified that she was not tired while driving that evening, as she was used to California time. Green added that she had only been on the road for approximately two hours since her last

break and denied that she had been driving for 12 straight hours at the time of the stop.

Trooper Matos testified that the nature of his duties with the Illinois state police pertained to patrol. On April 13, 2011, at approximately 10:47 p.m., he was duty driving his squad car east on I-80 at milepost 116. He observed a green SUV driving on the right fog line for approximately five seconds. When asked how far Green's tires were over the fog line, Matos candidly admitted that the tires were actually still on the fog line. Matos decided to make a traffic stop by activating his emergency lights, which activated the camera in his squad car. The trooper admitted that the camera did not capture any traffic violation.

The trooper stopped Green's vehicle near milepost 119. Matos discussed the nature of what he observed with Jerilyn Green, but the trooper could not recall how Green responded. After his recollection was refreshed with his police report, the trooper indicated that Green's response focused on the truck that was merging onto the interstate out of the rest area.

On cross-examination, Trooper Matos could not recall whether or not Green had passed a truck as he followed her before he decided to pull her over. When asked about the details of Green passing the truck, Matos responded that he did not remember as it occurred almost a year ago, but did remember that the tires on Green's vehicle "touched the fog line."

The trooper asserted that the fog line is reflective at night, but he did not know whether the fog line on I-80 had been recently painted. When pressed on the condition of the fog line, the trooper candidly admitted that he did not know if this particular fog line was reflective as the area had been under construction for the last couple of years.

The trial judge granted the petitioner's motion to suppress. In doing so, the judge found that the trooper did not remember a whole lot about the incident. The judge also found that while the white line was visible, it certainly was faded. The judge found that Green's right tires touched the fog line for five seconds, but her tires never actually crossed the fog line. Based on these facts, the trial judge held that the trooper did not have a valid basis for a traffic stop.

On appeal, the Illinois Appellate Court held that the trial judge's findings of fact were not against the manifest weight of the evidence. The appellate court then considered whether the petitioner violated section 11-709(a) of the Illinois Vehicle Code, which provides that a "vehicle shall be driven as nearly as practicable entirely within a single lane." 625 ILCS 5/11-709(a).

The Illinois Appellate Court held that "section 11-709(a) is violated when a motorist ***crosses over a lane line*** and is not driving as nearly as practicable within one lane." (Emphasis added.) The court concluded: "In light of the trial court's finding that the

tires of defendant's vehicle were on the fog line and shoulder and not within her lane, we conclude that defendant did violate section 11-709(a). Therefore, the officer had sufficient grounds to stop defendant's vehicle, and defendant's motion to suppress should not have been granted."

REASONS FOR GRANTING THE PETITION

THE OFFICER DID NOT HAVE REASONABLE GROUNDS TO CONDUCT A TRAFFIC STOP, WHERE THERE WAS NO TRAFFIC VIOLATION AND NO OTHER REASONABLE BASIS TO BELIEVE THAT A CRIME WAS BEING COMMITTED.

In *Brendlin v. California*, 551 U.S. 249, 251 (2007), this Court held that a driver of a vehicle, as well as a passenger in a car, is seized for purposes of the Fourth Amendment when a police officer conducts a traffic stop. In *Delaware v. Prouse*, 440 U.S. 648, 663 (1979), the Court made clear that under the Fourth Amendment, police need "at least articulable and reasonable suspicion" that the driver or occupants of the car are violating a law before they can legally conduct a stop.

In *Whren v. United States*, 517 U.S. 806, 811-12 (1996), the Court reaffirmed that police need an articulable and reasonable basis to conduct a traffic stop, but it is legally irrelevant that an officer uses a traffic violation to investigate their hunches that a

driver is committing a more serious offense, such as drug trafficking. After *Whren*, reasonable grounds for a traffic stop are lacking only when there is no traffic violation and no other reasonable basis to believe that a crime is being committed.

At issue in this petition is whether a police officer has reasonable grounds to stop a vehicle where the tires merely touch a fog line for a brief moment without actually crossing the line.[1]

Illinois, like virtually every state, has a statute pertaining to lane travel. Thus, any analysis begins with the statute pertaining to lane travel. Section 5/11-709 of the Illinois Vehicle Code provides:

> Whenever any roadway has been divided into 2 or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply.
>
> (a) A vehicle shall be driven *as nearly as practicable* entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

625 ILCS 5/11-709(a) (Emphasis added.)

It is the petitioner's position that there was no violation of section 11-709(a). Indeed, the record does not contain a traffic citation for petitioner's alleged

[1] A "fog line" is the white line on the right-hand side of a road, separating the lane of travel from the shoulder.

violation of section 11-709(a). "As nearly as practicable" connotes something less than the absolute. After all, vehicles do not run on fixed rails like railroad cars. Thus, the legislature does not require perfect driving within a lane. This is why improper lane usage in Illinois, as in all other states, is not a strict liability offense. *See People v. Hackett*, ___ Ill.2d ___, 971 N.E.2d 1058, 1066 (2012).

This Court should grant certiorari (1) to resolve a conflict amongst the courts regarding whether merely touching the fog line, without more, provides a reasonable basis for a traffic stop; and (2) to protect the societal interest against unreasonable searches and seizures.

1. Resolve the Conflict Amongst the Courts

As discussed below, the courts across the United States have consistently held that the mere touching of the fog line does not provide a reasonable basis for a traffic stop.

The United States Courts of Appeal

The Sixth Circuit

In *United States v. Freeman*, 209 F.3d 464, 466-67 (6th Cir. 2000), the court held that a motor home's brief entry into the emergency lane does not constitute probable cause that the driver was intoxicated.

The Seventh Circuit

In *United States v. Fiala*, 929 F.2d 285, 286 (7th Cir. 1991), the court held that police had a reasonable suspicion to stop the defendant after observing her vehicle cross the fog line by half the width of her car for a considerable period of time.

The Ninth Circuit

In *United States v. Colin*, 314 F.3d 439, 446 (9th Cir. 2002), the court held that the car's ***touching*** the right fog line and the center yellow line each for 10 seconds after legitimate lane changes did not give officer reasonable suspicion of driving under the influence.

The Tenth Circuit

In *United States v. Alvarado*, 430 F.3d 1305, 1306 (10th Cir. 2005), the court ruled that one incident of driving ***across*** the fog line "about a foot" for a few seconds gave the officer sufficient reason to stop the car.

In *United States v. Cline*, 349 F.3d 1276, 1287 (10th Cir. 2003), the court held that reasonable grounds for a traffic stop existed when an officer saw a truck swerve onto the shoulder of the road and almost hit a bridge abutment.

In *United States v. Gregory*, 79 F.3d 973, 978 (10th Cir. 1996), the court held that the officer did not have a reasonable suspicion to stop the defendant for

possible DUI because the driver briefly crossed into the right emergency shoulder lane.

State Courts Across the United States

Arizona

In *State v. Livingston*, 206 Ariz. 145, 75 P.3d 1103, 1105-06 (2003), the court held that a minor breach of the shoulder line or fog line on a curvy road did not establish reasonable suspicion.

Florida

In *Crooks v. State*, 710 So.2d 1041, 1042-43 (1998), the court held that three instances of drifting over the right edge or fog line did not justify a traffic stop for unsafe lane usage.

Illinois

In *People v. Leyendecker*, 337 Ill.App.3d 678, 787 N.E.2d 358, 362 (2003), the Illinois Appellate Court for the Second District, contrary to the Third District in this case, held that crossing over the fog line while going around a curve did not establish reasonable suspicion to justify a traffic stop.

Indiana

In *Robinson v. State*, 985 N.E.2d 1141 (April 23, 2013), a deputy saw a car briefly drive onto the fog line twice. The appellate court held that the traffic

stop was not supported by reasonable suspicion that the driver was impaired where it was dark, the road had some curves, and the defendant made only brief contact with the fog line.

Iowa

In *State v. Tague*, 676 N.W.2d 197, 205-06 (2004), the officer testified that he observed both tires just barely, but not completely cross the edge or fog line and then return to the roadway. The trial court granted the defendant's motion to suppress. On appeal, the Iowa Supreme Court interpreted the Iowa lane use statute requiring a vehicle be driven "as nearly as practical entirely within a single lane." The Iowa Supreme Court held that the defendant's single incident of crossing the edge line for a brief moment did not warrant the officer making a traffic stop where there was no other traffic on the roadway at the time Tague's vehicle crossed the edge line and there was no evidence that he was driving in an erratic manner, violating any speed restrictions, or weaving his vehicle from side to side on the roadway.

Louisiana

In *State v. Waters*, 780 So.2d 1053 (2001), the court held that a traffic stop is warranted when a car's tires merely touched the right-hand fog line on the shoulder but did not cross it.

Maryland

In *Rowe v. State*, 363 Md. 424, 769 A.2d 879, 889-91 (2001), the court held that two instances of touching or crossing the fog line did not establish reasonable suspicion.

Montana

In *State v. Lafferty*, 291 Mont. 157, 967 P.2d 363, 366 (1998), the court held that two instances of crossing the edge or fog line did not justify a traffic stop under the Montana lane use statute.

New York

In *People v. Kern*, 967 N.Y.S.2d 869 (January 16, 2013), the court began its analysis by noting that "recent developments" involve a lot of "so called 'fog line' stops." In *Kern*, the officer observed the defendant cross the fog line on two separate occasions. On cross-examination, the officer admitted that "defendant was not speeding, did not cross the center line or commit any other violations. The road was poorly lit according to the testimony. He also agreed that there was nothing on the side of the road, nothing to hit, no pedestrians or other vehicles and that [defendant] pulled over promptly and safely when [the officer] directed her to."

The *Kern* court noted that the single white line on the right side of the road is there to assist drivers in seeing the edge of the road in fog or difficult

driving conditions and is a "guideline," not a hazard marking or a traffic control device. In striking down the traffic stop, the Panel in *Kern* followed *People v. Shulman*, 836 N.Y.S.2d 488 (2006); and *People v. Fisher*, 867 N.Y.S.2d 377 (2008), that crossing the fog line is discouraged, but not prohibited and does not constitute a violation of the New York State Vehicle and Traffic Law requiring a vehicle to de driven "as nearly as practicable entirely within a single lane."

North Carolina

In *State v. Derbyshire*, 745 S.E.2d 886, 894 (August 6, 2013), the court held that the officer did not have a reasonable suspicion after observing one instance of the defendant's tires crossing the dividing line in his direction of traffic. *See also State v. Canty*, 736 S.E.2d 532, 536-37 (December 18, 2012) (there was no reasonable suspicion to justify the traffic stop where the driver appeared nervous and crossed the fog line).

Ohio

In *State v. Shaffer*, 2013 WL 4436469 (August 19, 2013), the trooper "observed the right side tires of Shaffer's vehicle drive onto the white line marker one time for about three seconds." The trooper stopped Shaffer for improper lane use for not driving "as nearly as practicable entirely within a single lane," which he admitted was the only traffic offense the trooper observed.

On appeal, Shaffer argued that the trooper did not have a reasonable, articulable suspicion to believe that she committed a marked lanes violation when her vehicle's tires touched, but did not completely cross, the white fog line. The appellate court agreed and began its analysis by observing that the legislature chose the phrase "as nearly as practicable" because it "contemplates *some* inevitable and incidental touching of the lane lines by a motorist's vehicle during routine and lawful driving." (Emphasis added in original.)

In *State v. Marcum*, 993 N.E.2d 1289, 2013 WL 3242117 (June 21, 2013), the court affirmed the trial court's granting a motion to suppress following a traffic stop for driving over the white fog line on the right and the double yellow line to the left. The Court held in no uncertain terms that the trooper did not have a reasonable, articulable suspicion to stop Marcum based on her action in driving on the white fog line.

In *State v. Ross*, 990 N.E.2d 1127, 2013 WL 1557435 (April 15, 2013), the trooper testified that he observed the right side tires of the defendant's vehicle cross over the fog line. The trooper candidly admitted that the driver did not exhibit any signs of erratic driving. The appellate court reversed the defendant's conviction for a improper lane usage and a seatbelt violation.

Washington

In *State v. Prado*, 145 Wash.App. 646, 186 P.3d 1186, 1187 (2008), the court held that a vehicle briefly crossing over the line by two tire widths on an exit lane does not justify a belief that the vehicle was operated unlawfully.

In *State v. Archuleta*, 160 Wash.App. 1031, 2011 WL 910023 (2011), the court followed *Prado* to hold that a single crossing of the fog line by the right-sides tires of a vehicle did not justify a traffic stop.

This Court is urged to follow *United States v. Colin*, 314 F.3d 439 (9th Cir. 2002) and hold that "touching the line is not enough to constitute lane straddling," as "touching a dividing line, even if a small portion of the body of the car veers into a neighboring lane, satisfied the statute's requirement that a driver drive as nearly as practical entirely within a single lane." *Colin*, 314 F.3d at 444.

As the above authority overwhelmingly establishes, a driver must do more than simply touch a fog line to justify a traffic stop for improper lane usage. In the case at bar, Jerilyn Green's car did not veer on to the shoulder, she did not overcorrect after touching the fog line, she was not speeding, she was not weaving within her lane, there were no obstacles or pedestrians in the vicinity, and she promptly and safely pulled over and stopped on the shoulder of the interstate when the trooper activated his emergency lights.

2. The Societal Interest Against Unreasonable Seizures

In recent years, law enforcement officials have relied upon "fog line" infractions as an excuse to stop and look in out-of-state cars. From a proof standpoint, a fog line infraction seems to be ideal for prosecution. Such infractions require no special evidence, no forensics or video proof. Whereas speeding violations are typically accompanied by radar evidence, and driving under the influence violations are proven by Breathalyzer or blood/alcohol proof, while fog line violations are typically established by the officer's testimony alone. The lack of tangible evidence of a fog line infraction makes them uniquely difficult to refute.

A 2010 law review article by the Kansas School of Law, Volume 58, page 1179, discussed the growing trend and "programmatic" level of fog line cases. In so doing, the article notes that once an officer stops the car for touching or crossing the fog line, the officer engages the occupants with questions about their travel plans, advises them that he will merely give a warning for the minor traffic infraction, which is designed to take advantage of human nature – having gained the gratitude of their painless warning, the officer asks the occupants for permission to search the car, or their bodies, clothing, or belongings. When a driver does not consent to a search and wishes to depart, the officer will detain them until a canine unit can be brought to the scene to allow a canine to sniff for contraband. *See United States v. Diaz*, 2008

WL 3154664 (D. Kan. 2008) (After being stopped and given a warning for a lane violation, Diaz refused to answer any more questions and said, "we are done." The officer ordered the driver "to take the keys out of the ignition, hand them over . . . and put the car in park." The officer then called another officer to bring a dog to the scene to sniff for drugs.).

As this Court recognized in *City of Indianapolis v. Edmond*, 531 U.S. 32, 45-46 (2000), "while '[s]ubjective intentions play no role in ordinary, probable-cause Fourth Amendment analysis,' programmatic purposes may be relevant to the validity of Fourth Amendment intrusions undertaken pursuant to a general scheme without individualized suspicion. . . . *Whren* does not preclude an inquiry into programmatic purpose in such contexts." The *Edmond* Court indicated, "cases dealing with intrusions that occur pursuant to a general scheme absent individualized suspicion have often required an inquiry into purpose at the programmatic level." *Id*. at 46.

The authority discussed above shows a pattern of stopping cars with no intention of ticketing the driver. It is apparent that police departments have programmatic policies encouraging officers to stop out-of-state drivers to investigate for drugs, regardless of suspicion. Therefore, under the reasoning of *Edmond*, such suspicionless investigations violate the Fourth Amendment. We further submit that, since out-of-state drivers are often the target of such

stops, that it is also a violation of the Fourteenth Amendment.

CONCLUSION

WHEREFORE, Petitioner Jerilyn Marta Green respectfully prays that this Honorable Court will grant this petition and issue a writ of certiorari to vacate or review the judgment of the Appellate Court of Illinois, Third District, and remand for further consideration and/or grant any other appropriate relief.

Respectfully submitted,

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2013 IL App (3d) 120190-U
Order filed April 11, 2013

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT
A.D., 2013

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellant, v. JERILYN MARTA GREEN, Defendant-Appellee.	Appeal from the Circuit Court of the 13th Judicial Circuit, Grundy County, Illinois, Appeal No. 3-12-0190 Circuit No. 11-CF-61 Honorable Lance R. Peterson, Judge Presiding

JUSTICE McDADE delivered the judgment of the court.
Justices Schmidt and Carter concurred in the judgment.

ORDER

Held: The trial court's order granting defendant's motion to suppress is reversed.

Following a traffic stop, defendant Jerilyn Marta Green, was charged with unlawful possession of cannabis (720 ILCS 550/5(g) (West 2010)). Prior to trial, defendant filed a motion to suppress evidence. The trial court granted defendant's motion, finding that the underlying traffic stop was improper. The

State appeals, arguing that the officer had sufficient grounds to stop defendant's vehicle and, therefore, the court erred in granting defendant's motion to suppress. We reverse and remand.

FACTS

On April 13, 2011, Illinois State Police Officer Robert A. Matos initiated a traffic stop on defendant. As a result of the stop, defendant was charged with unlawful possession of more than 5,000 grams of cannabis (720 ILCS 550/5(g) (West 2010)). Prior to trial, defendant filed a motion to suppress evidence. The cause proceeded to a hearing on defendant's motion.

At the hearing, defendant testified that she pulled over at approximately 10:50 p.m. while driving east on Interstate 80. Prior to the stop, defendant had passed a rest area and was watching for trucks merging onto the highway. Immediately before being pulled over, defendant had passed a truck by using the left lane of the road and then returned to the right lane. After she returned to the right lane, she noticed a police car with its lights on behind her. She put her turn indicator on and pulled over to the side of the road. Defendant testified that prior to the stop, her right wheels never crossed the line that separated the shoulder from the lanes of traffic.

Matos testified that he was on patrol the night of April 13, 2011, when he stopped defendant's vehicle. He noticed that the vehicle's two right wheels made

contact with the fog line for approximately five seconds. The fog line marked the outside edge of the right lane of the roadway. When asked how far the tires were over the fog line, Matos stated that they never crossed the fog line entirely; however, "the majority of the tires were actually on the opposite side, more on the shoulder." After witnessing the vehicle make contact with the fog line, Matos initiated a traffic stop. The stop was predicated on defendant's improper lane usage.

At the conclusion of the hearing, the trial court found that defendant's vehicle made contact with the fog line for approximately five seconds. It also found that a majority of defendant's tires crossed the line and entered the shoulder while only a minority of the tire remained on the fog line. Further, the court expressly questioned defendant's credibility and noted that she did not have a valid reason for drifting onto and partially over the fog line. However, the court concluded that those facts did not give the officer a valid basis for a traffic stop based on our previous decision in *People v. Hackett,* 406 Ill.App.3d 209 (2010). Therefore, defendant's motion to suppress was granted. The State appeals.

ANALYSIS

The State argues that the trial court erred in granting defendant's motion to suppress because the officer had probable cause or reasonable suspicion to initiate a traffic stop. We review a trial court's ruling

on a motion to suppress evidence pursuant to a two-part test. *People v. Absher,* 242 Ill.App.3d 77 (2011). First, we will uphold the court's factual findings unless they are against the manifest weight of the evidence. *Id.* Second, we assess the established facts in relation to the issues presented and review the ultimate legal question of whether suppression is warranted *de novo. Id.* In *People v. Hackett,* 2012 IL 111781, the supreme court resolved any confusion over whether a traffic stop needed to be supported by probable cause or a reasonable suspicion of criminal activity by stating that a reasonable suspicion was sufficient.

In this case, the trial court found that defendant's vehicle made contact with the fog line and the shoulder for approximately five seconds. It further found that a majority of defendant's tire was on the shoulder while a minority remained on the fog line. Based on our review of the record, we do not believe that those factual findings were against the manifest weight of the evidence. Therefore, we now turn to a *de novo* review of whether these established facts amounted to a violation of section 11-709(a) of the Illinois Vehicle Code (Code).

Section 11-709(a) of the Code mandates that a "vehicle shall be driven as nearly as practicable entirely within a single lane." 625 ILCS 5/11-709(a) (West 2010). After the trial court entered its order in this case, the Illinois Supreme Court overruled our decision in *Hackett,* 406 Ill.App.3d 209, and held that section 11-709(a) is violated when a motorist crosses

over a lane line and is not driving as nearly as practicable within one lane. *Hackett,* 2012 IL 111781. In light of the trial court's finding that the tires of defendant's vehicle were on the fog line and shoulder and not within her lane, we conclude that defendant did violate section 11-709(a). Therefore, the officer had sufficient grounds to stop defendant's vehicle, and defendant's motion to suppress should not have been granted.

CONCLUSION

The judgment of the circuit court of Grundy County is reversed, and the cause is remanded for further proceedings.

Reversed and remanded.

STATE OF ILLINOIS)
) SS.
COUNTY OF GRUNDY)

IN THE CIRCUIT COURT OF THE
THIRTEENTH JUDICIAL CIRCUIT
GRUNDY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, Plaintiff,	)	
vs.	)	No. 11 CF 61
JERILYN MARTA GREEN, Defendant	)	

ORDER

(Filed Feb. 23, 2012)

People of the State of Illinois. present by Ronald S. Ellis, Assistant State's Attorney of Grundy County, Illinois; defendant present in person and by her attorney, Michael Ettinger; matter comes before the court this 16th day of February, 2012, in regard to defendant's Motion to Suppress Evidence; matter proceeds to hearing; the court having considered the evidence and arguments of counsel;

IT IS HEREBY ORDERED:

1. That the Motion to Suppress Evidence is granted.

2. That based upon the court having determined that there was not a legal basis to stop the

vehicle that the defendant was operating, the cannabis subsequently seized from the vehicle and the statements made by the defendant after the stop suppressed and shall not be admissible at the trial of this cause.

ENTER: 02/23/12

DATED: /s/ Lance R. Peterson

[SEAL]
SUPREME COURT OF ILLINOIS
SUPREME COURT BUILDING
200 East Capitol Avenue
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September 25, 2013

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No. 115983 – People State of Illinois, respondent, v. Jerilyn Marta Green, petitioner. Leave to appeal, Appellate Court, Third District.

The Supreme Court today DENIED the petition for leave to appeal in the above entitled cause.

The mandate of this Court will issue to the Appellate Court on October 30, 2013.