

QUIZ ANSWERS AND DISCUSSION FOR THE MONTH OF MARCH, 2017

People v. Todd J. Mandoline, 2017 IL App (2d) 150511, February 21, 2017.

1. In this month's case, the defendant argued that police placed him under arrest while they were in his house. The test in determining whether a suspect has been arrested is whether, under the circumstances, a reasonable person would conclude that he was not free to leave.

a. True. This was the rule created in the case of People v. Gomez, 2011 IL App (1st) 092185.

2. In this month's case, the defendant voluntarily agreed to accompany the police to the police station for additional questioning. If a suspect voluntarily agrees to submit to questioning, is that suspect generally considered to be arrested or detained?

b. No. As the Court said in the case of People v. Gomez, 2011 IL App (1st) 092185; "When one voluntarily accompanies police officers, he has not been arrested and has not been "seized" in the Fourth Amendment sense."

3. Here the defendant was patted down and asked to surrender his wallet and phone before entering the interview room. Was this conduct on the part of the police used to prove that the defendant was under arrest when he was asked to enter the interview room.

a. Yes. The Court concluded that this conduct along with the statement of an Officer that if the defendant asked to speak to an attorney he would be required to remain in the interview room did indicate that the defendant was then under arrest.

4. **ILLUSTRATIVE CASE:** At approximately 2:40 a.m. the defendant was sitting in a parked car along a city street. An Officer drove by and noticed the defendant. The Officer drove past the defendant's car, parked in the middle of the street so as not to block the defendant's vehicle in its space, and approached the defendant's car from the rear driver's side, while illuminating the car with a flashlight. Did the conduct of this Officer constitute a seizure of this defendant?

b. No. In the case of People v. Luedemann, 222 Ill.2d 530 (2006) the Illinois Supreme Court ruled that "It is well settled that not every encounter between the police and a private citizen results in a seizure." Further, the Court listed four factors which could indicate that a seizure has occurred: "(1) the threatening presence of several officers; (2) the display of a weapon by an officer; (3) some physical touching of the person of the citizen; and (4) the use of language or tone of voice indicating that compliance with the officer's request might be compelled." Since none of these factors were found in this case, the Court held that the suspect was not detained by the Officer.