2026 IL App (4th) 251208

NO. 4-25-1208

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October 7, 2026
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. JACKIE O. ST. JOHN JR., Defendant-Appellant.	))))))))	Appeal from the Circuit Court of Boone County No. 22CF224 Honorable C. Robert Tobin III, Judge Presiding.

JUSTICE ZENOFF delivered the judgment of the court, with opinion.
Justices Knecht and Harris concurred in the judgment and opinion.

OPINION

¶ 1 Defendant, Jackie O. St. John Jr., appeals from his conviction, following a bench trial, of driving with a revoked driver's license (625 ILCS 5/6-303(a), (d) (West 2022)). He argues the trial court erred in denying his motion to suppress evidence obtained after an officer checked his state identification card against a law enforcement database during a traffic stop because the officer's act constituted an unreasonable invasion of his right to privacy under article I, section 6, of the Illinois Constitution (Ill. Const. 1970, art. I, § 6). We affirm.

¶ 2 I. BACKGROUND

¶ 3 On August 30, 2022, the State charged defendant with driving while his driver's license was revoked (625 ILCS 5/6-303(a), (d) (West 2022)). The charge arose out of a July 5, 2022, traffic stop. At that time, Officer Katelyn Lopez of the Belvidere Police Department stopped defendant upon the initial belief he was a different individual who had a suspended license. After

learning she was mistaken, she requested identification from defendant. Defendant provided a state identification card, and when Lopez checked his information against a police database, she learned defendant's license was revoked.

¶ 4 On September 18, 2024, defendant filed a motion to suppress evidence that he had a revoked license on the basis it was obtained in violation of the privacy clause of article I, section 6, of the Illinois Constitution (Ill. Const. 1970, art. I, § 6). Specifically, he argued his right to privacy was "violated when Officer Lopez took his driver's license and subsequently ran it through a law enforcement database" that returned personal information in which he had a legitimate privacy interest. According to defendant, Lopez's request for identification without reasonable suspicion he had committed any crime constituted an unreasonable invasion of his privacy.

¶ 5 In making this argument, defendant relied upon the dissenting opinion in *People v. Williams*, 2020 IL App (3d) 180024. In *Williams*, the majority concluded, *inter alia*, the defendant failed to preserve the question of whether a police officer violated his right to privacy under the Illinois Constitution where the officer requested his driver's license after probable cause for the stop had dissipated. *Williams*, 2020 IL App (3d) 180024, ¶ 51. One justice in dissent, however, considered the privacy issue and stated the request for a driver's license revealed "personal information about a person, which should remain private from the police officer in the absence of a reasonable suspicion that he or she is committing a crime," including the driver's "name, signature, address, height, weight, race, and eye and hair color." *Williams*, 2020 IL App (3d) 180024, ¶ 75 (McDade, J., dissenting). According to the dissent, article I, section 6, of the Illinois Constitution protected against the exposure of such personal information. *Williams*, 2020 IL App (3d) 180024, ¶ 75.

¶ 6 The trial court held a hearing on defendant's motion to suppress on December 17,

2024. Lopez was called as a witness, and she testified to the following. On July 5, 2022, while on patrol, she observed a pickup truck driven by "someone with shaggy like shoulder-length hair." She ran the license plate and determined the vehicle was registered to Carmen St. John, a female whose license was suspended.

¶ 7 Lopez began following the vehicle and initiated a traffic stop on the basis Carmen had a suspended license. Lopez acknowledged she observed no equipment or moving violations prior to the stop. When she activated her lights, the truck backed into the driveway of a residence under construction, and the driver got out of the vehicle and started walking toward the residence. At that point, Lopez realized the driver, defendant, was a male and not Carmen.

¶ 8 According to Lopez, defendant's behavior was suspicious because when a traffic stop is initiated, the driver usually pulls over to the side of the road and does not pull into a driveway "trying to act like [he was] doing something else." In Lopez's experience, when a driver exits a vehicle during a traffic stop, it suggests "he's trying to walk away from something that's in that vehicle or he's trying to distract me from something." Additionally, that defendant backed his truck into the driveway suggested "he was trying to get in a position to flee if he needed to."

¶ 9 As Lopez approached defendant, she stated, " 'Hey, you're not Carmen,' " and defendant responded, "No." Defendant stated, " 'Oh, I'm working on the house,' " which seemed "off" to Lopez. Lopez testified she then "asked him for his driver's license," and defendant gave her "a state ID card," which, based on her experience, suggested he did not have a driver's license. Lopez then "ran his information with my dispatch" and learned his license was revoked. Accordingly, Lopez arrested him for driving while his license was revoked.

¶ 10 During argument, the defense clarified defendant based his suppression challenge only on the privacy clause of the Illinois Constitution and not the fourth amendment to the United

States Constitution (U.S. Const., amend. IV) or the search and seizure clause of the Illinois Constitution (Ill. Const. 1970 art. I, § 6). Counsel explained this distinction was critical because Illinois employs a "limited lockstep" approach between the search and seizure clauses of the Illinois Constitution and the fourth amendment, and as federal law permits an officer during a traffic stop to inquire into a motorist's driver's license information even after the reason for the stop has dissipated, Lopez's inquiry into defendant's license information could not have violated those constitutional provisions. Instead, defendant argued he had a privacy interest in the personal information contained on his identification card, and Lopez's inquiry into that information was unreasonable after reasonable suspicion for the stop dissipated once Lopez determined defendant was not Carmen.

¶ 11 In response, the State argued the trial court should first employ a search and seizure analysis and conclude that, because Lopez articulated a reasonable suspicion for the stop, her request for defendant's identification was reasonable. According to the State, under that inquiry, defendant's privacy argument need not be reached. The State continued that even if the court considered the privacy argument, defendant did not have a legitimate privacy interest in the information on his identification card, as police officers have regular access to such information.

¶ 12 The trial court asked defense counsel to address how defendant's inability to produce a driver's license at Lopez's request could not be viewed as reasonable suspicion that he did not possess a driver's license, since he was required to carry one under the Illinois Vehicle Code (see 625 ILCS 5/6-112 (West 2022)). Counsel clarified defendant's right to privacy was distinct from his right against unreasonable searches and seizures under the fourth amendment and the search and seizure clause of the Illinois Constitution. Accordingly, counsel argued Lopez's mere request for defendant's license where the reasonable suspicion for the stop had dissipated

violated defendant's right to privacy under the Illinois Constitution.

¶ 13 The trial court took the motion under advisement.

¶ 14 On December 18, 2024, defense counsel filed a motion to reopen proofs on defendant's motion to suppress, requesting the trial court permit the admission of Lopez's bodycam video of defendant's traffic stop into evidence. According to defendant, the video would show Lopez did not explicitly ask for his license but only requested "some ID." Defendant argued, insofar as the court was considering whether his privacy clause claim could survive if reasonable suspicion existed that he did not have a driver's license, the video would show Lopez could not have had such reasonable suspicion where he complied with Lopez's general request for identification. The court denied the motion to reopen proofs, explaining it did not matter whether Lopez specifically asked for a driver's license because defendant's failure to produce one, even when generally asked to provide identification, could raise a reasonable suspicion that he lacked a driver's license.

¶ 15 On February 4, 2025, the trial court denied defendant's motion to suppress. The court determined the privacy clause should be interpreted in lockstep with the fourth amendment, and because defendant did not argue there was an unlawful seizure, his argument failed. The court further found that, even if the privacy clause constituted an independent basis for relief, defendant had no privacy interest in whether he possessed a driver's license, such that Lopez could freely request identification and use it to determine whether defendant's driving privileges were revoked.

¶ 16 On March 12, 2025, defendant filed a motion to reconsider the trial court's rulings on his motions to reopen proofs and to suppress evidence. Therein, defendant argued a search and seizure analysis could not dispel a privacy clause claim, and in any event, because he complied with Lopez's request to provide "some ID," the court improperly determined Lopez had reasonable

suspicion to inquire into his personal information. The court denied defendant's motion to reconsider.

¶ 17 The matter proceeded to a bench trial in July 2025. At trial, the State presented testimony from Lopez that was substantially similar to her testimony at the hearing on defendant's motion to suppress. Broadly, Lopez testified she initiated a traffic stop of defendant because she believed, based on his hair, that he was Carmen, whose license was suspended. Upon realizing defendant was male, and because defendant was acting suspiciously, she asked for "an ID" to identify him. Defendant handed Lopez an Illinois state identification card and explained the vehicle was his sister's. Lopez then checked defendant's information against a police database using her in-car computer and learned defendant's driving privileges were revoked, resulting in his arrest. The State also presented squad car and bodycam footage of the traffic stop. Finally, the State introduced defendant's driving abstract, showing multiple driving infractions from as far back as 1984 that included several instances of driving while under the influence of alcohol, speeding, and driving while his license was revoked. Defendant's driving record showed his license was revoked at the time of the traffic stop on July 5, 2022.

¶ 18 Defendant presented no evidence. The trial court found defendant guilty, and in October 2025, the court sentenced defendant to two years and six months in prison. Defendant subsequently filed a motion for a new trial, arguing the court erred in denying his motion to suppress because it misapplied the law in assessing his privacy clause claim. The court denied the motion.

¶ 19 This appeal followed.

¶ 20 II. ANALYSIS

¶ 21 On appeal, defendant argues the trial court erred in denying his motion to suppress

evidence that his driving privileges were revoked because the inquiry into his personal information during the traffic stop violated his right to be free from unreasonable invasions of privacy under the Illinois Constitution. The State responds defendant forfeited this argument, and in any event, the verification of defendant's driving privileges did not constitute a violation of the privacy clause. With respect to the State's argument regarding forfeiture, defendant contends that to the extent this court concludes his argument is forfeited, his counsel provided ineffective assistance for failing to preserve it.

¶ 22 When reviewing a ruling on a motion to suppress evidence, we give deference to the trial court's factual findings, rejecting them only if they are against the manifest weight of the evidence, and we review *de novo* the court's ultimate conclusion as to whether suppression is warranted. *People v. Johnson*, 237 Ill. 2d 81, 88-89 (2010).

¶ 23 We first address the State's assertion defendant forfeited this argument. The State contends that while defendant's argument on appeal asserts Lopez's database inquiry upon receiving his state identification card constituted a violation of his right to privacy, the only basis for a privacy violation advanced in the trial court was Lopez's *request* for identification. Accordingly, the State argues that because defendant did not explicitly argue Lopez violated his right to privacy by running the information she obtained from defendant's state identification card through a law enforcement database, that argument is forfeited.

¶ 24 Generally, a criminal defendant must raise an issue at trial and in a posttrial motion to properly preserve the error for review. *People v. Salamon*, 2022 IL 125722, ¶ 56. The failure to preserve an issue results in forfeiture. *People v. Parks*, 2025 IL App (4th) 230597, ¶ 61. However, the issue raised on appeal need not be identical to the objection raised at trial, and a reviewing court will not find an issue forfeited "when it is clear that the trial court had the opportunity to

review the same essential claim." *People v. Lovejoy*, 235 Ill. 2d 97, 148 (2009).

¶ 25 Contrary to the State's contention, defendant did raise the claim that Lopez's database inquiry using the information on his state identification card amounted to an invasion of his privacy. Specifically, defendant's motion to suppress claimed his right to privacy under the Illinois Constitution was "violated when Officer Lopez took his driver's license and subsequently ran it through a law enforcement database." Defendant's privacy claim was also included in his motion for a new trial, which challenged the denial of his motion to suppress on the basis his right to privacy was violated. While the crux of defendant's argument in the trial court may have emphasized Lopez's request for his identification as constituting an invasion of privacy, the propriety of both her request *and* database search were before the court. Thus, the court had an opportunity to review the same essential claim defendant now raises on appeal, namely, that the inquiry into his personal information absent reason to believe he committed a crime amounted to an unreasonable invasion of his privacy. Accordingly, we conclude defendant properly preserved the argument he raises on appeal. See *Parks*, 2025 IL App (4th) 230597, ¶ 63 (concluding that, while the arguments for suppression before the trial court and appellate court were not identical, the issue was preserved where the crux of his argument before both courts was the same). In light of this conclusion, we need not consider defendant's alternative argument that his counsel was ineffective for failing to preserve his privacy claim. As such, we proceed to our review of defendant's claim.

¶ 26 Initially, we note the parties dispute the appropriate analysis for defendant's privacy claim. Relying predominantly on *People v. Caballes*, 221 Ill. 2d 282 (2006), the State asserts article I, section 6, of the Illinois Constitution is interpreted in "limited lockstep" with the fourth amendment. According to the State, under this approach, because nothing in this case justifies a

departure from a typical search and seizure analysis, fourth amendment "jurisprudence still applies." Defendant, however, emphasizes his claim is raised exclusively under the privacy clause of the Illinois Constitution and invokes neither the search and seizure clause of the Illinois Constitution nor the fourth amendment. He contends, because the privacy clause is a distinct protection beyond what individuals are afforded pursuant to the fourth amendment, a general fourth amendment analysis is inapplicable. Instead, he argues his claim must be assessed under a two-step analysis that considers whether the challenged conduct implicates the privacy clause, and if so, whether the invasion of privacy was reasonable. See *Caballes*, 221 Ill. 2d at 321.

¶ 27 Given the parties' dispute over the appropriate analysis, we first discuss the interplay between the fourth amendment and article I, section 6, of the Illinois Constitution.

¶ 28 The fourth amendment to the United States Constitution makes no explicit reference to privacy but provides:

> "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." U.S. Const., amend. IV.

On the other hand, while article I, section 6, of our state constitution largely models the fourth amendment, it also includes certain language that does not appear in its federal counterpart, including language protecting against unreasonable invasions of privacy. Specifically, article I, section 6, provides:

> "The people shall have the right to be secure in their persons, houses, papers, and other possessions against unreasonable searches, seizures, *invasions of*

privacy or interceptions of communications by eavesdropping devices or other means. No warrant shall issue without probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized." (Emphasis added.) Ill. Const. 1970, art. I, § 6.

¶ 29 In *Caballes*, our supreme court assessed several approaches for interpreting cognate provisions of the Illinois and United States Constitutions in determining whether a dog sniff of a vehicle during a routine traffic stop violated our state constitution and reaffirmed Illinois's adherence to the limited lockstep approach in examining such provisions. *Caballes*, 221 Ill. 2d at 285, 307-09, 313. Under the limited lockstep approach, a court will " 'look first to the federal constitution, and only if federal law provides no relief turn to the state constitution to determine whether a specific criterion—for example, unique state history or state experience—justifies departure from federal precedent.' " *Caballes*, 221 Ill. 2d at 309-10 (quoting Lawrence Friedman, *The Constitutional Value of Dialogue and the New Judicial Freedom*, 28 Hastings Const. L.Q. 93, 104 (2000)). The court explained this approach was proper in interpreting article I, section 6, of our state constitution because while both the federal and state constitutions prohibited unreasonable searches and seizures, the Illinois Constitution contained "additional language [that] 'expands upon the individual rights which were contained in *** the guarantees of the Fourth and Fourteenth Amendments to the United States Constitution.' " *Caballes*, 221 Ill. 2d at 317 (quoting ILCS Ann., 1970 Const., art. I, § 6, Constitutional Commentary, at 522 (Smith-Hurd 1993)); see U.S. Const., amends. IV, XIV. Specifically, article I, section 6, "create[ed] an additional right to privacy." *Caballes*, 221 Ill. 2d at 318; see *People v. Nesbitt*, 405 Ill. App. 3d 823, 828 (2010) ("The court in *Caballes* noted that our constitution's privacy clause provides protection *in addition* to its search and seizure clause and that it is broadly written, with no definition limiting the types of

privacy intended to be protected." (Emphasis in original.)).

¶ 30 Our supreme court used this limited lockstep framework to determine whether the dog sniff at issue violated the Illinois Constitution. In doing so, it first considered the defendant's argument that the sniff constituted an unreasonable search in violation of the search and seizure clause of article I, section 6. *Caballes*, 221 Ill. 2d at 314. The court noted the defendant presented no persuasive argument that any exception to the limited lockstep doctrine applied when interpreting the search and seizure clause of article I, section 6, and therefore, the court interpreted it in lockstep with the fourth amendment. *Caballes*, 221 Ill. 2d at 315-16. Thus, because under federal law, a canine sniff during a routine traffic stop does not implicate the fourth amendment (see *Illinois v. Caballes*, 543 U.S. 405, 409-10 (2005)), the court concluded the search and seizure clause of the state constitution provided no relief to the defendant. *Caballes*, 221 Ill. 2d at 316-17.

¶ 31 The supreme court then considered the defendant's separate argument that the canine sniff violated the privacy clause of article I, section 6, of the Illinois Constitution. *Caballes*, 221 Ill. 2d at 317. In doing so, the court explained the inquiry involves an assessment of (1) whether the privacy clause is implicated and, if so, (2) whether the invasion of the individual's privacy was reasonable. *Caballes*, 221 Ill. 2d at 321. While the court reiterated this provision provided a distinct right to privacy not encompassed by the fourth amendment or the search and seizure clause of article I, section 6, it explained the defendant's argument failed at the first step of the privacy clause analysis because the dog sniff at issue did not implicate the privacy clause. *Caballes*, 221 Ill. 2d at 330-31. The court reasoned the sniff revealed no private information typically regarded as within the zone of privacy established by article I, section 6. *Caballes*, 221 Ill. 2d at 330-31. Accordingly, the court held that because "the dog sniff of a vehicle does not constitute an invasion of privacy," the case "must be analyzed solely as a search and seizure issue."

Caballes, 221 Ill. 2d at 331. As the court had already determined the limited lockstep approach applied to a search and seizure analysis, the court concluded the sniff "did not violate [the] defendant's right to be free from unreasonable search and seizure." *Caballes*, 221 Ill. 2d at 331.

¶ 32 Here, the State is correct that in *Caballes*, our supreme court reaffirmed Illinois's adherence to the limited lockstep approach when interpreting like provisions of the Illinois and federal constitutions. However, the State misinterprets *Caballes* in arguing the limited lockstep framework subsumes the entirety of article I, section 6, such that the privacy clause must also be interpreted in lockstep with the fourth amendment. See *Hope Clinic for Women, Ltd. v. Flores*, 2013 IL 112673, ¶ 42 (providing that because the privacy clause is unique to the Illinois Constitution and there was no such provision in the federal constitution, "we interpret the provision without reference to a federal counterpart"); *Nesbitt*, 405 Ill. App. 3d at 828 ("[T]he fact that article I, section 6's *search and seizure* provision is read in limited lockstep with the fourth amendment to the federal constitution does *not* require that the privacy clause of our constitution must be interpreted in accordance with federal law." (Emphases in original.)). Rather, as the court noted in *Caballes*, the Illinois Constitution's privacy clause provides protection *in addition to* the search and seizure clause of article I, section 6, and the fourth amendment. Thus, while the privacy and search and seizure clauses of our constitution "may overlap, whether a search or seizure violates the privacy clause of article I, section 6, is an inquiry separate and apart from whether it violates that article's search and seizure clause." *Nesbitt*, 405 Ill. App. 3d at 828.

¶ 33 Accordingly, we reject the State's argument that the privacy clause must be read in lockstep with the fourth amendment and that this case is governed by a typical fourth amendment search and seizure analysis. Here, defendant emphasizes his claim was brought solely under the Illinois Constitution's privacy clause, and he does not claim Lopez's inquiry into his personal

information violated the fourth amendment or the search and seizure clause of the state constitution. We therefore conclude this case must be resolved under a discrete privacy clause inquiry. See *Nesbitt*, 405 Ill. App. 3d at 827-29 (concluding a distinct privacy clause analysis, not a limited lockstep analysis, applied where the defendant raised only a privacy claim under article I, section 6, of the Illinois Constitution).

¶ 34 As we referenced above, examination under the privacy clause involves a two-step analysis. First, a court must consider whether the right to privacy under article I, section 6, is implicated in the particular context of the claim. *Caballes*, 221 Ill. 2d at 321-22. If the right to privacy is established, the court must then determine whether the State's invasion of individual privacy was reasonable. *Caballes*, 221 Ill. 2d at 321. This is because our constitution does not accord absolute protection against invasions of privacy; only unreasonable invasions of privacy are forbidden. *Hope Clinic for Women, Ltd.*, 2013 IL 112673, ¶ 65. The reasonableness of the intrusion is determined by "balancing the need for official intrusion against the constitutionally protected interest of the private citizen." *In re May 1991 Will County Grand Jury*, 152 Ill. 2d 381, 392 (1992).

¶ 35 Accordingly, our analysis now turns to whether the inquiry into defendant's personal information implicated his right to privacy under article I, section 6, of the Illinois Constitution.

¶ 36 As our supreme court has recognized, "the protection against unreasonable invasions of privacy 'is stated broadly,' and '[n]o definition of types of privacy' intended to be protected 'is offered.' " *Caballes*, 221 Ill. 2d at 317 (quoting ILCS Ann., 1970 Const., art. I, § 6, Constitutional Commentary, at 522 (Smith-Hurd 1993)). Protected privacy interests under our constitution are generally recognized as those in which the individual has a reasonable expectation

of privacy in the information he or she seeks to protect under the circumstances presented. *In re Lakisha M.*, 227 Ill. 2d 259, 279 (2008); see *People v. Cornelius*, 213 Ill. 2d 178, 193-94 (2004) (noting the first step of the privacy clause analysis under the Illinois constitution is to "determine whether [the] defendant has a reasonable privacy expectation"). To that end, "a person has a reasonable expectation that he will not be forced to submit to a close scrutiny of his personal characteristics, unless for a valid reason." *Will County Grand Jury*, 152 Ill. 2d at 391-92. Our supreme court has explained that "[c]ases in which the privacy clause has been found to apply have involved either private records or documents or information of the type typically contained therein or an invasion of the actual physical body of the person." *Caballes*, 221 Ill. 2d at 327.

¶ 37 Accordingly, Illinois courts have recognized an individual has a legitimate expectation of privacy in medical and financial records. *Caballes*, 221 Ill. 2d at 330; *Kunkel v. Walton*, 179 Ill. 2d 519, 537 (1997); *Nesbitt*, 405 Ill. App. 3d at 828-29. Medical records have been found to be encompassed by the zone of privacy established by the privacy clause because the "confidentiality of personal medical information is, without question, at the core of what society regards as a fundamental component of individual privacy," as such information encompasses some of "the most intimate details" of a person's life, "like mental health, sexual health and reproductive choice." *Kunkel*, 179 Ill. 2d at 537. Similarly, financial records have been found to be cloaked in privacy protections because " 'in the course of bank dealings, a depositor reveals many aspects of her personal affairs, opinion, habit and associations which provide a current biography of her activities.' " *Nesbitt*, 405 Ill. App. 3d at 829 (quoting *People v. Jackson*, 116 Ill. App. 3d 430, 434-35 (1983)).

¶ 38 Additionally, a legitimate expectation of privacy under article I, section 6, has been found in individuals' telephone records because they constitute a "monitor" of their activities,

including calls and their durations. *People v. DeLaire*, 240 Ill. App. 3d 1012, 1020 (1993).

¶ 39 The supreme court has also determined that a grand jury's ability to gather head hair and pubic hair implicates the privacy clause. *Will County Grand Jury*, 152 Ill. 2d at 389-91; *Caballes*, 221 Ill. 2d at 321. At issue in *Will County Grand Jury* were grand jury subpoenas that ordered two uncharged individuals to, *inter alia*, submit head and pubic hair samples. *Will County Grand Jury*, 152 Ill. 2d at 385. The court explained that, as to the taking of head hair samples, an individual "does not ordinarily have the expectation that others will cut, pull or comb his hair without his permission," and the taking of hair samples "diminishes the body" of the individual, "albeit to a small degree." *Will County Grand Jury*, 152 Ill. 2d at 399. The court determined the taking of pubic hair samples was an even greater violation of the right to privacy, as the pubic area "is normally hidden from the view of others," and the "demand for pubic hair represents a considerable intrusion into personal privacy." *Will County Grand Jury*, 152 Ill. 2d at 395.

¶ 40 On the other hand, as we noted earlier, the supreme court in *Caballes* rejected the claim a dog sniff during a routine traffic stop violated the privacy clause. *Caballes*, 221 Ill. 2d at 330-32. In doing so, the court explained a dog sniff did not implicate legitimate privacy interests because it did not reveal private medical information, like "prescription medications for the treatment of psychiatric disorders or sexually transmitted diseases." *Caballes*, 221 Ill. 2d at 330-31. Additionally, a "dog sniff will not reveal the contents of diaries or love letters; it will not reveal the individual's choice of reading materials, whether religious, political, or pornographic; it will not reveal sexual orientation or marital infidelity." *Caballes*, 221 Ill. 2d at 300-31. Accordingly, the court concluded a dog sniff "does not infringe on the zone of personal privacy that the drafters intended to protect." *Caballes*, 221 Ill. 2d at 331.

¶ 41 Similarly, our supreme court has held that amendments to the Sex Offender and

Child Murderer Community Notification Law (730 ILCS 152/101 *et seq.* (West 2002)) that permitted the dissemination to the public of information on the Internet about a convicted sex offender, including his or her "name, address, date of birth, place of employment, school attended and offense or adjudication," did not violate the privacy clause. *Cornelius*, 213 Ill. 2d at 183, 195-96. The court highlighted that even prior to the amendments permitting the disclosure of the information on the Internet, the same information was required to be compiled and " 'open to inspection by the public,' " such that it was available to anyone who requested it by telephone, by mail, or in person. *Cornelius*, 213 Ill. 2d at 195-96 (quoting 730 ILCS 152/120(c) (West 2002)). Accordingly, the court determined that even preamendment, the information compiled about sex offenders was not private, and offenders could not complain about amendments that merely facilitated "an additional avenue for public access to already public information." *Cornelius*, 213 Ill. 2d at 193. Beyond that, the court emphasized sex offenders' actions resulted in criminal proceedings that were open to the public. *Cornelius*, 213 Ill. 2d at 196-97. The court files for each case, in turn, constituted public records, and thus, "all information in [a] defendant's court file, including any personal information with respect to [the] defendant, is available for inspection by anyone in the world." *Cornelius*, 213 Ill. 2d at 196. The court thus explained a defendant's conduct resulting in criminal prosecution, culminating in a public record that contains challenged personal information, necessarily lowered the privacy bar with respect to that information. *Cornelius*, 213 Ill. 2d at 196; see *People v. Grochocki*, 343 Ill. App. 3d 664, 669-70 (2003) (noting that because a defendant's court file from prosecution is open to the public, he or she cannot claim the dissemination of personal information like name, date of birth, height, weight, and address, infringed on a legitimate privacy interest under the privacy clause).

¶ 42 In this case, defendant argues individuals have a privacy interest in the personal

information on state identification cards, which includes an individual's full name, address, date of birth, height, weight, hair color, and eye color. See 15 ILCS 335/1A (West 2022) (defining "personally identifying information" for purposes of an Illinois identification card); 625 ILCS 5/1-159.2 (West 2022) (defining "personally identifying information" for purposes of an Illinois driver's license). As support, he predominantly rests his argument on the dissent in *Williams*.

¶ 43 In *Williams*, a police officer stopped the defendant for failing to have a rear registration plate. *Williams*, 2020 IL App (3d) 180024, ¶ 3. However, during the stop, the officer realized the defendant had a valid, temporary registration sticker in his rear window. *Williams*, 2020 IL App (3d) 180024, ¶ 3. The officer nevertheless requested the defendant's driver's license. *Williams*, 2020 IL App (3d) 180024, ¶ 3. The license was suspended, and a subsequent search of the vehicle revealed a gun and cocaine. *Williams*, 2020 IL App (3d) 180024, ¶ 3. The defendant sought to suppress the evidence obtained from the search, in part because the officer unlawfully prolonged his detention by requesting his driver's license after learning he had a valid temporary registration sticker. *Williams*, 2020 IL App (3d) 180024, ¶ 4. The trial court agreed, concluding the officer improperly requested the defendant's license after he determined there was a valid registration sticker because there was no effective stop at that point. *Williams*, 2020 IL App (3d) 180024, ¶ 7. The State appealed, and the appellate court, noting the defendant challenged only his continued seizure under the search and seizure clause of article I, section 6, of the Illinois Constitution, limited its analysis to that clause and declined to apply the privacy clause. *Williams*, 2020 IL App (3d) 180024, ¶¶ 10, 51. A majority of the appellate court concluded the Illinois Constitution's search and seizure clause must be read in lockstep with the fourth amendment, and because federal law provided a defendant's right to be free from unreasonable searches and seizures is not violated by an officer's request for a driver's license after the initial reason for the

stop has dissipated, the trial court erred in granting the defendant's motion to suppress. *Williams*, 2020 IL App (3d) 180024, ¶ 50.

¶ 44 The dissent, however, contended the issue should have been subjected to a privacy clause analysis, opining that "the choice to ask a motorist for his or her license *does* reveal personal information about a person, which should remain private from the police officer in the absence of a reasonable suspicion that he or she is committing a crime." (Emphasis in original.) *Williams*, 2020 IL App (3d) 180024, ¶ 75 (McDade, J., dissenting). Among the information the dissent asserted should remain private was the "motorist's name, signature, address, height, weight, race, and eye and hair color, and if the officer chooses to proceed further still by conducting a database query, the list of personal information he or she can gather on a motorist." *Williams*, 2020 IL App (3d) 180024, ¶ 75. According to the dissent, when not predicated on reasonable suspicion, an officer's query into this personal information should be deemed violative of article I, section 6, of the Illinois Constitution. *Williams*, 2020 IL App (3d) 180024, ¶¶ 75, 84.

¶ 45 Despite defendant's invitation, we decline to adopt the reasoning of the *Williams* dissent. Beyond the fact that the dissent has no precedential value, it tellingly cited no authority in support of the proposition that an individual has a privacy interest in the personal information compiled on a driver's license and in a law enforcement database. See *People v. Love*, 2013 IL App (2d) 120600, ¶ 42 (noting that a dissent has no precedential value). Nor has our research revealed any supporting caselaw.

¶ 46 Rather, in light of the foregoing authorities, we conclude defendant has failed to establish he has a legitimate privacy interest in the personal information—*e.g.*, his name, date of birth, height, weight, hair color, and eye color—compiled on his identification card. None of the information at issue raises the types of privacy concerns or touches upon the types of privacy

interests that have been found to warrant such protection. The personal information at issue contains no private medical or financial information. See *Caballes*, 221 Ill. 2d at 330; *Kunkel*, 179 Ill. 2d at 537; *Nesbitt*, 405 Ill. App. 3d at 828-29. It does not relate to the contents of any of defendant's personal writings. See *Caballes*, 221 Ill. 2d at 300-31. Nor does it indicate his political or religious affiliation. *Caballes*, 221 Ill. 2d at 300-31. It does not disclose any of the opinions he holds, provide any insight into his habits, or reveal the groups with which he associates. *Nesbitt*, 405 Ill. App. 3d at 829. It does not amount to a monitoring of the activities in which he engages or divulge the identities of the individuals with whom he socializes. *DeLaire*, 240 Ill. App. 3d at 1020.

¶ 47 In short, the information for which defendant seeks privacy protections is not the type of highly personal "biographical" information Illinois courts have recognized as within the zone of privacy created by the privacy clause. See *DeLaire*, 240 Ill. App. 3d at 1020 (concluding citizens had legitimate privacy interests in telephone records where they created a " 'biography' " of their dealings and personal associations and disclosed "highly personal matters"). Indeed, much of the information identified by defendant and the *Williams* dissent, including one's hair color, eye color, height, and weight, is readily apparent to anyone who simply looks at that individual. See *Will County Grand Jury*, 152 Ill. 2d at 399 (noting an individual must have "some expectation that members of the public will scrutinize his physical characteristics, noting his bodily structure, his facial features, *** the color of his skin," and "the color and texture of his uncovered hair").

¶ 48 We further note the circumstances under which the information at issue was obtained in this case are drastically different from those where a legitimate expectation of privacy has been found in the information sought to be included under the privacy clause umbrella. Here, the information defendant claims warrants privacy protection is contained in records kept by a

government agency for use by that agency and law enforcement. Specifically, to obtain a license or a state identification card, an individual must submit to the Secretary of State an application setting forth, *inter alia*, the applicant's legal name, address, zip code, birth date, and sex. 15 ILCS 335/5(a) (West 2022) (describing application requirements for a state identification card); 625 ILCS 5/6-106(b) (West 2022) (describing application requirements for a driver's license). Pursuant to statute, the Secretary of State maintains records of such applications, and the release of personally identifying information is explicitly permitted to law enforcement agencies. 15 ILCS 335/11(a), (b)(3) (West 2022); 625 ILCS 5/6-110.2, 6-117(a) (West 2022). While it is one thing to determine the constitution recognizes a right to privacy that limits the government's ability to access personal information from a third-party source, such as a financial institution, medical facility, or phone provider, it is quite another thing to argue the constitution prohibits a law enforcement officer, who is an employee of the state or a local government, from accessing information already lawfully possessed in a government database. This distinction is in harmony with a number of other jurisdictions that have held state constitutional privacy rights are not violated when the personal information accessed is possessed and maintained by the government. See *State v. Oryall*, 2018 UT App 211, ¶¶ 12-13, 437 P.3d 599 (concluding the right to privacy under the Utah Constitution does not prevent a law enforcement officer from accessing vehicle registration and driver's license records already possessed by the government); *People v. Bushey*, 75 N.E.3d 1165, 1167-69 (N.Y. 2017) (concluding that under the New York Constitution, a defendant did not have reasonable expectation of privacy in the information lawfully obtained and accessible through the New York Department of Motor Vehicles Database); *State v. McKinney*, 60 P.3d 46, 52 (Wash. 2002) (concluding there is no protected privacy interest under the Washington Constitution in Washington Department of Licensing records, where they are kept by

a government agency for use by that agency and law enforcement).

¶ 49 Based upon Illinois's treatment of personal information relating to driver's licenses and identification cards, and because these records reveal little about an individual's associations, medical background, opinions, habits, or activities, we hold there is no legitimate privacy interest in the information contained on an individual's driver's license or identification card and compiled in associated governmental databases.

¶ 50 However, even if we had accepted defendant's argument that he has a legitimate privacy interest in such information under the Illinois Constitution, defendant still would be entitled to no relief. Under the second step of the privacy clause analysis, once a court determines the right to privacy has been implicated, it must then determine whether the State's invasion of the individual's privacy was reasonable. *Caballes*, 221 Ill. 2d at 321. To ascertain reasonableness, a court must balance the interest of the individual in maintaining his privacy against the interest of the public in the need for official intrusion. *Will County Grand Jury*, 152 Ill. 2d at 392. In other words, reasonableness depends largely on "the degree of intrusiveness of the invasion of privacy." *Lakisha M.*, 227 Ill. 2d at 279.

¶ 51 In this case, defendant argues that Lopez's act of running the information on his state identification card through a law enforcement database was an unreasonable intrusion of his right to privacy because Lopez had no reasonable suspicion of any crime justifying that invasion. Defendant emphasizes the initial reason justifying the stop was eliminated, as Lopez testified she learned defendant was not Carmen when he exited the vehicle at the outset of the encounter. He further argues the fact that he provided Lopez a state identification card, as opposed to a driver's license, could not be deemed suspicious because bodycam footage established Lopez merely requested "some ID," and defendant complied with that request. According to defendant, absent

reasonable suspicion he had committed a crime, Lopez "impermissibly prolonged the traffic stop" by inquiring into his personal information. These arguments are unavailing.

¶ 52 A police officer may stop a vehicle and detain its occupants based upon reasonable suspicion, or articulable, specific facts and the rational inferences therefrom, that suggest a crime has been or is about to be committed. *People v. Patel*, 2020 IL App (4th) 190917, ¶ 15. A reasonable suspicion is considerably less than proof of wrongdoing by a preponderance of the evidence and less than that necessary for probable cause. *Patel*, 2020 IL App (4th) 190917, ¶ 15. The permissible duration of a traffic stop is determined by the seizure's mission, which consists of the purpose of the stop and " 'related safety concerns.' " *People v. Cummings*, 2016 IL 115769, ¶ 13 (quoting *Rodriguez v. United States*, 575 U.S. 348, 354 (2015)). Safety concerns include ordinary inquiries incident to the traffic stop and involve checking the driver's license, determining whether there are any outstanding warrants against the driver, and inspecting the vehicle's registration and proof of insurance. *Cummings*, 2016 IL 115769, ¶ 13. Generally, upon completing the mission of the stop, the officer should allow all individuals to go on their way. *Patel*, 2020 IL App (4th) 190917, ¶ 16. However, if, while inquiring into the traffic violation, the officer develops reasonable suspicion a different crime has been or is being committed, further detention may be warranted. *Patel*, 2020 IL App (4th) 190917, ¶ 16.

¶ 53 As is relevant here, the State "has a compelling interest in safe roads." *People v. Jung*, 192 Ill. 2d 1, 5 (2000). Because of this, "a driver's expectations of privacy are significantly diminished." *Jung*, 192 Ill. 2d at 5. One manner by which the State fulfills its "vital interest" in promoting safe roadways is "by ensuring that only those qualified to drive do so." *People v. Barnes*, 152 Ill. App. 3d 1004, 1006 (1987). To that end, the Illinois Vehicle Code requires a driver to "have his drivers license or permit in his immediate possession at all times when operating a

motor vehicle" and to "display" that license to a law enforcement officer who requests it by surrendering it to the officer. 625 ILCS 5/6-112 (West 2022). Beyond promoting officer safety during traffic stops, checks of a motorist's driver's license or warrant status serve also to enforce the Illinois Vehicle Code, including section 6-112. *Cummings*, 2016 IL 115769, ¶ 13. Indeed, an officer is permitted "to request production of a driver's license even in instances where there has been no initial suspicion of a traffic violation or other criminal activity" to ensure the driver is in compliance with section 6-112 of the Illinois Vehicle Code. *People v. Safunwa*, 299 Ill. App. 3d 707, 713 (1998); see *People v. McKnight*, 198 Ill. App. 3d 530, 532-33 (1990) (noting a "routine spot check of a motorist to ascertain if he has complied with the requirement of possession of a driver's permit is neither unreasonable nor invalid" because "to require some other offense to have been committed before a police officer may demand a driver's license vitiates the purpose of section 6-112").

¶ 54 In light of the foregoing, we conclude Lopez's action of requesting defendant's identification and submitting that information for inquiry on a law enforcement database were reasonable intrusions of any privacy right defendant may have had in the personal information at issue. First, Lopez's stop of defendant's vehicle was properly supported by reasonable suspicion, as she testified she initiated the stop upon the belief the driver of the vehicle was Carmen, whose license was suspended. *Cf. Will County Grand Jury*, 152 Ill. 2d at 399 (concluding that for the subpoena for the production of pubic hair samples to be reasonable under the right to privacy under the Illinois Constitution, it must be supported by probable cause). Although that suspicion dissipated once Lopez learned the driver of the vehicle was defendant and not Carmen, Lopez was permitted, as part of the safety oriented component of the mission of the stop, to request identification from defendant. See *Cummings*, 2016 IL 115769, ¶¶ 17-18 (stating the interest in

officer safety entitles an officer who lawfully initiates a traffic stop to know the identity of a driver and that, even where reasonable suspicion dissipates when the officer sees the driver, the officer may request the driver provide his license). Indeed, the impact an officer's request for identification "has on a citizen's right to privacy is insubstantial." *People v. Grove*, 341 Ill. App. 3d 466, 472 (2003); see *People v. Harris*, 228 Ill. 2d 222, 248 (2008) (stating "a request for identification [during a traffic stop] is facially innocuous").

¶ 55 Further, while the initial suspicion that was the impetus for the stop may have dissipated upon Lopez determining defendant was not Carmen, Lopez developed reasonable suspicion during the course of the interaction that defendant did not have a valid driver's license, which justified further inquiry. Specifically, at the hearing on defendant's motion to suppress, Lopez testified she became suspicious when, upon her request for identification, defendant gave her a state identification card and not a driver's license. Although defendant emphasizes he complied with her general request for "some ID," Lopez was entitled to find it unusual that defendant failed to produce a license when asked for identification immediately after driving a motor vehicle. Considering the statutory requirements under section 6-112 of the Illinois Vehicle Code to carry a driver's license when operating a vehicle and to produce such license when requested, a reasonable motorist would understand that, when asked to provide identification during a traffic stop, the requesting officer means a valid driver's license. See *Grove*, 341 Ill. App. 3d at 472 ("A motorist who is pulled over for an investigatory traffic stop may reasonably expect to be asked for a driver's license and proof of registration and insurance. Likewise, the motorist can expect that the officer will check the validity of these documents on a computer."); see also *People v. Patterson*, 88 Ill. App. 3d 144, 146 (1980) ("Inquiry as to the driver's license routinely follows a traffic stop."). Whether Lopez specifically asked for a driver's license or more generally

requested "some ID," Lopez, based on her training and experience, suspected defendant was operating a vehicle without a driver's license when he failed to produce one. Accordingly, Lopez's further inquiry by searching defendant's information in a law enforcement database was justified to confirm the validity of his license. See *Safunwa*, 299 Ill. App. 3d at 713-14 (concluding that where a driver tendered only a traffic citation bearing his name in response to an officer's request for a license, the officer was permitted to continue the driver's detention to confirm the driver's identity and the validity of his license).

¶ 56 In turn, we hold that even if defendant had an expectation of privacy in the personal information contained on a driver's license or identification card and compiled in a law enforcement database, the intrusion on his privacy occasioned by Lopez's inquiry into that information was reasonable. The State has a strong interest in promoting safe roads by ensuring only those who are qualified to drive are doing so. *Jung*, 192 Ill. 2d at 5. Considering defendant's diminished expectation to privacy as a driver, it was reasonable for Lopez, a law enforcement officer, to request defendant's identification and verify the validity of his driving privileges on a law enforcement database to further the State's interest in roadway safety.

¶ 57 Accordingly, we hold the inquiry into defendant's personal information here did not violate his right to privacy under article I, section 6, of the Illinois Constiution and conclude the trial court did not err in denying defendant's motion to suppress.

¶ 58 III. CONCLUSION

¶ 59 For the reasons stated, we affirm the trial court's judgment.

¶ 60 Affirmed.

***People v. St. John*, 2026 IL App (4th) 251208**

Decision Under Review:	Appeal from the Circuit Court of Boone County, No. 22-CF-224; the Hon. C. Robert Tobin III, Judge, presiding.
Attorneys for Appellant:	James E. Chadd, Catherine K. Hart, and Lucas J. Hall, of State Appellate Defender's Office, of Springfield, for appellant.
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