No. 127412

IN THE SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, Respondent-Appellee, v. GERMEL DOSSIE, Petitioner-Appellant.	On appeal from the Appellate Court of Illinois, First Judicial District, No. 1-20-1050 There heard on appeal from the Circuit Court of Cook County, Criminal Division No. 15 CR 10914 Honorable William H. Hooks, Judge Presiding

REPLY BRIEF FOR THE PETITIONER-APPELLANT

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REPLY BRIEF: ARGUMENT

Germel Dossie rests on his opening brief as to Issue I, pertaining to whether his arrest was supported by probable cause, and focuses in this reply brief on various points raised by the Attorney General and *amicus* City of Chicago as to Issue II, pertaining to constitutional concerns associated with the Chicago Police Department's routine and systematic use of investigative alerts in lieu of arrest warrants.

People v. Bass. The Attorney General states that all decisions subsequent to the Appellate Court's now-vacated opinion in *People v. Bass*, 2019 IL App (1st) 160640, have rejected its reasoning. (AG Br. at 25).[1] Yet, subsequent to *Bass*, concerns about investigative alerts were voiced in *People v. Pulliam*, 2021 IL App (1st) 200658-U (persuasive authority under Supreme Court Rule 23(e)(1)). The defendant in *Pulliam* filed a motion for relief from judgment, citing the unconstitutionality of his arrest based on an investigative alert rather than a warrant. The motion was untimely, and appellate counsel's motion to withdraw was allowed. But a concurring justice was critical of investigative alerts, suggesting that their use, in lieu of warrants, be limited to circumstances in which time is of the essence. *Id*. at ¶ 14. An investigative alert on probable cause might perhaps, for example, be permissible as a "temporary fix, say, 24 or 48 hours as a maximum," for suspects who may be known flight risks or who might commit other crimes in the immediate future – but its use to effect an arrest when there is

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[1] The Attorney General's brief is cited herein as "AG Br.," the City of Chicago's *amicus* brief in support of the State is cited as "CC Br.," and the *amicus* brief filed in support of Germel Dossie by the Chicago Appleseed Center for Fair Courts is cited as "CAC Br."

sufficient time to obtain a warrant violates the Illinois Constitution. *Id*. at ¶¶ 10, 14. As the concurring justice observed, avoiding a warrant "threatens the liberty interests of suspects without following the proper foundational requirements of a warrant," when judges are readily available around the clock. *Id*. at ¶¶ 15, 17.[2] While investigative alerts present an easier procedure for the police, "the Chicago Police Department serves the citizens of Chicago and can and should do better." *Id*. at ¶¶ 18, 19.

Bulletins and Flyers. *Amicus* City of Chicago likens investigative alerts to "a wanted flyer or an all-points bulletin," characterizing alerts as "simply a means of sharing investigatory information among officers." (CC Br. at 5). But not all means of sharing information necessarily result in arrests that are constitutionally permissible. When faced with the same argument, the Appellate Court in *Bass* acknowledged that officers may certainly rely on the "collective knowledge of their fellows," but more narrowly than through the systematic use of warrantless arrests via the investigative alert system.

For example, the Court noted that in *Whiteley v. Warden*, 401 U.S. 560, 568 (1971), it was stated that officers may aid other officers in "executing arrest warrants" permissibly assumed to be based on an "independent judicial assessment of probable cause," and in *United States v. Hensley*, 469 U.S. 221, 232 (1985), it was held that reliance on a flyer or bulletin issued on reasonable suspicion permits a *Terry* stop while

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[2] That warrants can be sought when desired was recently illustrated in *Taylor v. Hughes*, 26th F.4th 419 (7th Cir. 2022), in which a search warrant application was presented to a Cook County judge after business hours; the judge agreed to meet the officer inside a covert vehicle at a predetermined location, to which the paperwork, the informant's rap sheet, and the informant himself were brought.

the officer attempts to find out whether an arrest warrant has been issued. *See Bass*, 2019 IL App (1st) 160640 at ¶¶ 60-61.

An "all-points" bulletin may be issued during an exigency, to apprehend a person posing a present danger, as in *People v. Madison*, 334 Ill. App. 3d 680, 683 (5th Dist. 2002) (all-points bulletin was issued right after critically-injured person was able to report the crime, and the stolen vehicle was spotted "[m]oments later"), and *People v. Morrow*, 269 Ill. App. 3d 1045, 1047 (5th Dist. 1995) (all-points bulletin was issued and arrest was made while murder investigation remained active, with the arrest made less than two days from the discovery of the body).

A properly-construed "bulletin" that permits a warrantless arrest is accompanied by an element of exigency. But if "bulletins" are otherwise issued when they function in the manner of investigative alerts, subject to execution under any circumstances and at any time, they are not bulletins in the traditional sense but in name only, and cannot be analogized to bulletins properly-construed so as to fall under the same umbrella such that warrantless arrests pursuant to them are immune from review.

Investigative alerts do not function as "bulletins" but rather as warrants – there is no element of active search or investigation or exigency. Bulletins or flyers are not substitutes for warrants: in *Whiteley* a warrant had been issued and in *Hensley*, the usual practice was for arrest warrants to be issued following the flyer. *See* 469 U.S. at 224. Of course, ongoing bulletins or posted "wanted" flyers may convey that a warrant has been issued, as in *Whiteley* and, *e.g., Capone v. Marinelli*, 868 F.2d 102, 105 (3d Cir. 1989), but that is not the case here.

Reliance on transmissions is also not without limitation. In discussing good faith in the execution of a void "repetitive warrant," the Court in *People v. Turnage* stated, "While *Leon* allows an officer to rely on a judge's determination that facts in an affidavit are sufficient to satisfy the probable cause standard, nothing in *Leon* allows an officer to claim a good-faith belief in the validity of a warrant based only on a radio transmission from a fellow officer. Deference to the probable cause determination of a judge or magistrate is simply not the same as deference to a police radio transmission concerning the existence of a valid warrant." 162 Ill. 2d 299, 309-10 (1994) (arrest invalid when arresting officer did not possess the warrant, and had no knowledge of the facts purporting to establish probable cause or the circumstances surrounding its issuance).[3] *Whiteley* was deemed analogous even though the warrant there was invalid because the "procuring officer failed to establish probable cause," while it was invalid in *Turnage* because it was "repetitive." *Id.* at 311. The assignment of the investigative alert to be executed is on no sounder footing. *People v. McGurn* is further authority against investigative alerts as it disallowed an arrest by a policeman on patrol on a "standing order" from a superior officer; the Court considered neither whether the superior officer had probable cause to believe that McGurn had committed any crime nor collective knowledge. 341 Ill. 632, 634-35 (1930).

There is a continuum of collective knowledge by officers working together, from the arresting officer actually working actively and directly with an officer with actual

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[3] The arresting officer was not criticized, but nor was suppression of evidence precluded; the inquiry as to whether the process could be upheld focused on those procuring the warrant.

knowledge of facts amounting to probable cause, as in *People v. Peak*, 29 Ill. 2d 343 (1963) (CC Brief at 5)[4] to varying degrees of distance or separation in terms of time, location, and operational authority – as here, where the arrest by a fugitive unit was effected a week after Tyrone Crosby was brought to the grand jury by a different unit, investigating the case. Of course, delegation to other units might be efficient and advisable in large, busy police departments operating in shifts and through sub-units. But the answer is not a well-developed internal system of investigative alerts, operating independently of any judicial oversight. When the attenuation from officers working in actual concert is so far as here, the answer is to obtain a warrant.

The Asserted "Paradox". Both the Attorney General (AG Br. at 26) and *amicus* City of Chicago (CC Br. at 8) point to what the Court in *People v. Braswell,* 2019 IL App (1st) 172810, called "somewhat paradoxical" – the idea that if there is probable cause, an arrest with neither a warrant nor investigative alert is permissible, but if there happens to be an investigative alert, the otherwise permissible warrantless arrest becomes impermissible.

The paradox, however, is not real: there is no paradox if investigative alerts are viewed as unauthorized proxy warrants pursuant to which a person cannot be lawfully arrested, nor if warrantless arrests on probable cause are impermissible under the Illinois Constitution in the ordinary case, rather than in the exceptional one. *Braswell*'s remark is

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[4] In *Peak*, three officers were all at the scene of ongoing criminal activity, and each had knowledge of much of what was transpiring. Under those circumstances, it was permissible for the officer who placed the defendant under arrest in the yard to do so although he did not hear an utterance contributing to probable cause that was heard by an officer on the porch, who directed the arrest.

premised on federal constitutional case law, disregarding the Illinois Constitution and its distinct affidavit requirement, which, it is submitted, is consistent with a broader use of warrants. Perhaps the greater paradox is that if investigative alerts are indeed redundant when there is probable cause, if they did not exist the police would be unable to effect many arrests on a practical level without a warrant.

And, as stated by *amicus* on behalf of Germel Dossie, *Braswell*'s logic "suggests that it would be perfectly valid for [the Chicago Police Department] to eschew the warrant process *altogether*, so long as probable cause were present. That logic would read Article I section 6 as a nullity and would invert the sequencing of arrests envisioned by Article I section 6 (as well as the Fourth Amendment) by relegating the judiciary's involvement to post-arrest review only." (CAC Br. at 14).

The Lockstep Doctrine. The Attorney General takes the position that the search and seizure provision in article I, section 6, of the Illinois Constitution, is to be construed in "lockstep" with the fourth amendment. (AG Br. at 18). Cited in support of that proposition are *People v. Tisler*, 103 Ill. 2d 226 (1984), and *People v. Caballes*, 221 Ill. 2d 282 (2006). (AG Br. at 18).

In *Tisler*, this Court noted that the language of the warrant clause of the Illinois Constitution is "nearly identical" to the fourth amendment – *not* identical, only "nearly" so. 103 Ill. 2d at 235-36. At issue in *Tisler* was whether to adopt the new totality-of-the-circumstances framework for making probable-cause determinations, for cases involving informants' tips, set forth in *Illinois v. Gates*, 462 U.S. 213 (1983), and replace the less flexible two-pronged standard known as the "*Aguilar* two-pronged test." 103 Ill. 2d at

238 *et seq*. This Court declined to reject the *Gates* standard.

But unlike here, there was no focus on the differences in constitutional text on the relevant point – Illinois's specific "affidavit" requirement – nor on the history that led to the adoption of the different text. Neither the *Aguilar* nor *Gates* tests derive expressly from the text of either provision.

Importantly, *Tisler* remained open to departure from construing the provisions the same in the event it were to "find in the language of our constitution, or in the debates and the committee reports of the constitutional convention, something which will indicate that the provisions of our constitution are intended to be construed differently." *Id*. at 245. That is essentially a limited lockstep approach rather than an unyielding or absolute one.

After noting a number of cases in which Illinois courts have departed from federal interpretations, this Court in *Caballes* confirmed that in *Tisler,* Illinois had indeed adopted a "limited lockstep" approach, and would remain committed to it. 221 Ill. 2d at 313-14. Courts may consider state tradition and values as reflected in precedents and based on "our best assessment" of the intent of the drafter and delegates in determining whether to depart from the federal constitution as construed. *Id*.

In *Tisler*, nothing compelling or concrete was presented as to whether the text of the Illinois Constitution would weigh in favor of the *Gates* standard as opposed to *Aguilar*. Similarly, in *Caballes*, nothing compelling or concrete was presented as to the standard that each constitution, by its text and history, would set for canine sniffs of contraband. The arguments presented were merely that the federal interpretation was

undesirable for policy or similar reasons, but not due to textual or historical distinction.[5] Here, historical materials have been submitted which do, in fact, favor a different interpretation.

In our State, there was a purposeful and volitional and affirmative determination that the text of article I, section 6 of the Illinois Constitution would depart from the fourth amendment by requiring that probable cause for warrants be supported by "affidavit" rather than merely "oath or affirmation." That affirmative decision to create and memorialize, as part of our documented history, our state's "tradition" and "values," *see Caballes*, 221 Ill. 2d at 313-14, was made in 1870 and re-affirmed in 1970, when the distinction was retained. Ill. Const., art. II, ¶ 6 (1870); Ill. Const., art. I, ¶ 6 (1970); Journal of the Constitutional Convention of the State of Illinois at 664-65 (April 29, 1870) (affirmatively rejecting the proposed "oath or affirmation" text and affirmatively approving an amendment to require an "affidavit").

The reasoning that led to the distinct use of "affidavit" is set forth in the 1870 committee reports, and the statements of the delegates. *See* CAC Br. at 17-19; 2 Record

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[5] Several other cases cited by the Attorney General (AG Br. at 20-21) in support of equating the fourth amendment and the Illinois Constitution, like *Tisler* and *Caballes*, do not focus on points of textual difference. *See People v. Mango*, 2018 IL 122761 (suppression order should have been granted because search warrant was issued on a bare-bones affidavit in violation on the fourth amendment; good-faith exception to the exclusionary rule would not apply); *People v. Holmes*, 2017 IL 120407 ("probable cause" is the same in both constitutions, and probable cause would not be retroactively invalidated when based on a statute declared unconstitutional on federal grounds); *People v. Fitzpatrick*, 2013 IL 113449 (no mention of textual difference that would prohibit arrests for minor or fine-only offenses, which had been permitted by both Illinois and federal courts). These cases, moreover, confirm that Illinois follows a "limited" rather than absolute lockstep approach.

of Proceedings, Third Illinois Constitutional Convention at 1568 (April 29, 1870).[6]

Mr. Vandeventer proposed the amendment from "oath or affirmation" to "affidavit." In his view, merely permitting a person to take an oath before a justice of the peace and then sending a constable to conduct a search or make an arrest "is entirely too loose a mode of protecting the rights of persons." He continued, "There can be nothing wrong about requiring a complainant to file an affidavit, stating the facts which constitute probable cause, and then the justice of the peace will have some record before him to determine whether there is any probable cause, for in many of these cases there is none. . . . If there be probable cause, it can be written down and sworn to."

Consistent with the view that warrants were contemplated in all but exigent or other unusual circumstances, Mr. Benjamin believed that it was the "general practice . . . for the magistrate to require the application for a warrant to be reduced to writing. In some cases it is necessary that the warrant be issued without the least possible delay, and justice might be defeated by the delay of writing out the affidavit. Such, however, would only be exceptional cases." It follows that it would be an even more exceptional case in which a warrant application could be dispensed with altogether.

Mr. Goodhue supported the proposed amendment, because: "[N]otwithstanding the decisions of our supreme court, as to what facts are necessary to be set forth and alleged in affidavits . . . , a man can now go in to a magistrate's office, make an oral oath,

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[6] The Illinois Digital Archives, maintained by the Secretary of State, provide the transcripts through its web site: http://idaillinois.org/digital/collection/isl2/id/12084/rec/10 (page 1568); http://idaillinois.org/digital/collection/isl2/id/12085/rec/10 (page 1569).

in pursuance of the old statutes, without conforming to the requirements of the Constitution of this State, as expounded by the courts, and upon oath receive a *capias*, there being no means of information furnished anywhere, as to whether the law has been answered, or whether the provisions of the Constitution have been complied with. It is a secret in the breast of the magistrate. . . . The recital of the magistrate, in his warrant, is, that oath was made, but there is no means of ascertaining what the character of that oath was. There is no means of knowing what were the terms, the allegations and statement in that oath, furnishing the basis for a warrant." The "affidavit" amendment was re-offered by Mr. Allen and was agreed to.

The investigative alert system, which entails arrests on unsworn information kept internally within the police department, is incompatible with the drafters' articulated concerns of preserving a record of probable cause and, indeed, compelling the sworn articulation of the basis for it in the first instance, as embodied in the affidavit requirement.

It would appear from the debates, moreover, that at the time of the 1870 constitution, arrests by warrant were intended to be the rule and not the exception, and that the result in *United States v. Watson,* 423 U.S. 411 (1976) (no fourth-amendment requirement for warrant in non-exigent arrest) would not have been favored. Loose procedures not sufficiently protective of the rights of the people, with inadequate oversight and reviewability, were the obvious concern. The Court in *Myers v. People*, 67 Ill. 503, 510 (1873), was concerned that with arrests not supported by affidavit, "the door would be opened to intolerable abuses; every man's liberty would be at the mercy of the

caprice or malice of the State or county attorney." Proper warrants are how the constitutional reasonableness standard, as well as protection from abuse, is best assured. If warrantless arrests on probable cause with no judicial approval were contemplated as a proper general practice rather than commonplace as they have now become – and perhaps in no small part due to investigative alerts – there would have been little need for such concern, and an affirmative, well-reasoned departure from the more lenient standard in the fourth amendment.

Separation of Powers. With respect to the separation of powers claim, the cases cited by the State for the point that there need not be a "complete divorce" among all branches of government (AG Br. at 31) do not involve law enforcement undertaking the function of the judiciary when that is expressly prohibited by the fourth amendment. *See In re Derrico G.*, 2014 IL 114463 (former statute upheld even though it conditioned juvenile court's ability to continue a case under supervision, rather than proceeding to adjudication, on the consent of the State); *People v. Hammond*, 2011 IL 110044 (probation officers have authority to file petitions to revoke probation or offer certain sanctions when the State retains the authority to determine how to proceed and to prosecute the violation); *County of Kane v. Carlson*, 116 Ill. 2d 186 (1987) (judicial authority not unduly limited by permitting judicial branch employees to fall under state labor law for public employers, as judicial authority over the general administration of the courts is not infringed); *Waukegan v. Pollution Control Bd.*, 57 Ill. 2d 170 (1974) (since the legislature may grant an agency the powers necessary to promote its purpose, the agency may impose fines, reviewable by the court under the Administrative Review Act).

All of that may be consistent with the concept that there need not be a complete divorce between branches, as the cases do not involve conduct specifically prohibited from being delegated to or performed by the other branch. If investigative alerts are *de facto* warrants, that is an unconstitutional exercise of judicial power. *See State ex rel. Hill v. Smith*, 172 W. Va. 413, 415-16 (1983) (a statute allowing police captains and lieutenants to issue warrants "clearly violates the Fourth Amendment of the United States Constitution, in that it allows police and law enforcement officials to issue warrants," because a warrant must be issued by one neutral and detached, and not a law enforcement officer, pursuant to, *e.g., Shadwick v. Tampa*, 407 U.S. 345, 350 (1972), and *Coolidge v. New Hampshire*, 403 U.S. 443, 450 (1971)). As Justice Jackson stated in the search warrant context, "The point of the Fourth Amendment, which often is not grasped by zealous officers, is not that it denies law enforcement the support of the usual inferences which reasonable men draw from evidence. Its protection consists in requiring that those inferences be drawn by a neutral and detached magistrate instead of being judged by the officer engaged in the often competitive enterprise of ferreting out crime." *Johnson v. United States*, 333 U.S. 10, 13-14 (1948).

In the Attorney General's view, a post-arrest hearing pursuant to *Gerstein v. Pugh*, 420 U.S. 103 (1975), provides all that is needed for judicial oversight for warrantless arrests on investigative alerts. (AG Br. at 31). But the *Gerstein* hearing might come two days or more after the arrest.[7] The intervening time is spent in police custody, giving the

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[7] Even if *Gerstein* hearings are supposed to be held within 48 hours of arrest, *see County of Riverside v. McLaughlin*, 500 U.S. 44 (1991), there have surely been instances of much longer delays. *See People v. Willis*, 215 Ill. 2d 517 (2005), and

police an opportunity to interrogate and investigate and, before the *Gerstein* hearing, strengthen the level of probable cause beyond what was present at arrest. The eventual *Gerstein* hearing should not be equated with active judicial oversight *before* an arrest, accompanied by the evaluation that goes into authorizing it, including the interactive approach that has been approved for warrant applications. *Cf. Edwards v. Joliff-Blake*, 907 F.3d 1052, 1057 (7th Cir. 2018).

Moreover, the *Gerstein* hearings reviewed by the Northern District Court of Illinois in *King. v. Walker*, 2006 U.S. Dist. LEXIS 104133 at *31, were characterized as "perfunctory."[8] To equivalence *Gerstein* hearings and warrant application proceedings by declaring that it is just as permissible to assess probable cause at a *Gerstein* hearing as it is to secure a warrant from a judge prior to the arrest is to perceive and treat an arrest in a manner that diminishes the extent to which it is a grave intrusion. The extensive use of investigative alerts in lieu of warrants creates the risk of more persons arrested on lesser and lower-quality information – certainly less than the trial court would have elicited here had a warrant application been presented. *See* R 66 *set seq*.

The Good Faith Exception. With respect to the good-faith exception, even if the

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cases cited therein. Defendant Willis was brought before a judge more than 87 hours after his warrantless arrest, having confessed following interrogation in the 73rd hour. *Willis* held, however, that the remedy of suppression is unavailable in cases of delay, unless the delay renders the confession involuntary.

[8] Since *Gerstein* itself states, "[t]o implement the Fourth Amendment's protection against unfounded invasions of liberty and privacy, the Court has required that the existence of probable cause be decided by a neutral and detached magistrate whenever possible," 420 U.S. at 112, it is fair to conclude that the *Gerstein* Court contemplated fewer and more substantive and individualized *Gerstein* hearings for warrantless arrests than has apparently become the norm.

Court is of the view that binding state constitutional precedent would have specifically authorized the arrest under then-existing law now being overruled, any good-faith exception should not be construed so as to foreclose application of the exclusionary rule in the instant case. (AG Br. at 32). As stated in the federal context in *Davis v. United States*, 564 U.S. 229, 248 (2011), it would be possible to recognize a limited exception for the defendant who obtains a judgment overruling constitutional precedent. Such an exception would encourage litigants to pursue favorable or modernizing developments in the law and prevent the law from becoming "ossified," *see id.*, as would become likely if a potential litigant could not benefit from his own ruling through the exclusionary rule.

The deterrence rationale for the exclusionary rule, and the incentives it provides for reform of objectionable practices, must be emphasized. *See Turnage*, 162 Ill. 2d at 312-13. In *Turnage*, the Court held that "repetitive warrants," issued after a person has been arrested and released on bond for the same charges and which would provide the police with objectionable "pocket warrants" that "could be executed at any time and place, were invalid and void *ab initio*, and arrests pursuant to them were illegal. *Id.* at 305-06. The good-faith exception did not apply because there was no showing on the record that the prosecutor or others involved in procuring the warrant had an objectively reasonable belief in its validity, which would not be the case if the warrant was known to be "repetitive." *Id*. at 312-13. The policy-making apparatus here, which continues to advocate for investigative alerts in lieu of implementing a broader warrant process, despite the concerns that have been raised about investigative alerts, should be deterred from the practice of warrant avoidance.

To the extent there is no specific binding precedent that was relied upon – because at the time of Germel Dossie's arrest there was no binding precedent specifically and expressly passing upon and authorizing arrests by investigative alerts under the Illinois Constitution – the good-faith exception would not apply. *See People v. Bonilla*, 2018 IL 122484 at ¶ 37 (good-faith exception only applies when the State can cite to reliance upon "specific binding appellate precedent that specifically authorized a particular practice but was subsequently overruled"). Precedent passively acquiescing in a practice not specifically challenged – that is, cases not specifically considering and upholding arrests on investigative alerts rather than warrants in the usual case when there is time to get a warrant, under our state constitution – should not qualify as binding precedent contrary to Germel Dossie's position here, especially in the wake of *People v. Hyland*, 2012 IL App (1st) 110966.

In *Hyland*, the concurring justice[9] wrote that the issue of investigative alerts had "yet to be addressed in any detail"; no "constitutional or statutory provision" was found that would authorize investigative alerts; and the practice amounted to an "impermissible warrantless arrest." *Id.* at ¶¶ 38, 39. Arrests pursuant to warrants are preferred, in order to "'insure that the deliberate, impartial judgment of a judicial officer will be interposed between the citizen and the police.'" *Id*. at ¶ 41 (citation omitted). "Allowing the practice of investigative alerts to continue to side-step judicial review gives arrest warrant power to the police, and constitutes an impermissible violation of the suspect's

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[9] The concurring opinion represented the view of the majority of justices, as the justice authoring the concurring opinion was joined by a second justice in a three-justice panel.

constitutional rights," and the "practice of circumventing the warrant requirement in the Constitution by issuing investigative alerts as a means of taking a potential suspect in to custody must cease." *Id.* at ¶ 51. While *Hyland* is distinguishable from this case if probable cause is found here, it remains that *Hyland*'s pronouncements represented, in 2015 when Germel Dossie was arrested, the most specific to date on investigative alerts; yet those pronouncements, which denounced investigative alerts, did not result in a change in procedure favoring arrest warrants. Even if not rising to the status of binding precedent to the contrary of the Attorney General's position, *Hyland* certainly calls into question whether there was specific, binding precedent authorizing the continued use of investigative alerts in lieu of warrants, in good faith, in 2015.

CONCLUSION

For the reasons set forth in his opening and reply briefs, Germel Dossie respectfully requests this Honorable Court to reverse the decision of the Appellate Court, reinstate the circuit court's order granting his motion to quash arrest and suppress evidence, and remand to the circuit court for further proceedings.

Respectfully submitted,

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RULE 341 CERTIFICATE OF COMPLIANCE

I certify that this Reply Brief conforms to the requirements of Rules 341(a) and (b). The length of this Reply Brief, excluding (insofar as applicable) the pages contained in the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the certificate of filing and service, and those matters to be appended to the brief under Rule 342(a), is 16 pages.

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CERTIFICATE OF FILING AND SERVICE

I certify that on June 10, 2022, I electronically filed the foregoing Reply Brief for the Petitioner-Appellant Germel Dossie with the Clerk of the Supreme Court of Illinois by using the Tyler Odyssey eFileIL system.

I further certify that the other participants in this appeal, named below, are registered service contacts on the Odyssey e-FileIL system, and thus will be served via the Odyssey eFileIL system.

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Under penalties as provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure, I certify that the statements set forth in this instrument are true and correct to the best of my knowledge, information and belief.

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