

NOTICE
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2026 IL App (5th) 240309
NO. 5-24-0309
IN THE
APPELLATE COURT OF ILLINOIS
FIFTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Jefferson County.
	)	
v.	)	No. 23-CF-27
	)	
BRANDON L. STALLINGS,	)	Honorable
	)	Jerry E. Crisel,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE BOIE delivered the judgment of the court, with opinion.
Justices Sholar and Hackett concurred in the judgment and opinion.*

OPINION

¶ 1 The defendant, Brandon L. Stallings, was convicted on October 10, 2023, of armed habitual criminal in violation of section 24-1.7(a) of the Criminal Code of 2012 (Criminal Code) (720 ILCS 5/24-1.7(a) (West 2022)), a Class X felony. He was sentenced on December 14, 2023, to 18 years’ incarceration within the Illinois Department of Corrections (IDOC) and 3 years’ mandatory supervised released. The defendant appeals his conviction, arguing that the trial court erred in denying the defendant’s motion to suppress evidence. For the following reasons, we affirm the judgment of the trial court.

*Justice Moore participated in oral argument. Justice Hackett was later substituted on the panel and has read the briefs and listened to the recording of oral argument

¶ 2

I. BACKGROUND

¶ 3 On January 30, 2023, the defendant was charged by information with three counts of armed habitual criminal in violation of section 24-1.7(a) of the Criminal Code (*id.*). Each count was based on the defendant's possession of a specific weapon. Counts I and II were ultimately dismissed, and on September 20, 2023, the matter proceeded to a stipulated bench trial¹ on count III only. Count III alleged that on January 29, 2023, the defendant knowingly possessed a 9-millimeter Glock handgun after having been previously convicted of aggravated battery in 2008 and burglary in 2009.

¶ 4 The weapons were recovered when law enforcement searched the defendant's vehicle and camper. The camper was located on East Reef Road, Mt. Vernon, Illinois, and the defendant's minor son, J.S., was staying in the camper. On January 29, 2023, law enforcement officers responded to an anonymous report that J.S. was suicidal. The officers performed a welfare check on J.S., and during the welfare check, one of the officers viewed ammunition in plain sight in the camper. The officers were aware that the defendant was a convicted felon and was prohibited from possessing firearms or firearm ammunition. After ensuring J.S.'s safety, the officers obtained a warrant to search the camper. During the search, the officers recovered an Olympic Arms AR rifle, an SCCY 9-millimeter handgun, various magazines, and ammunition rounds of varying calibers. Counts I and II were based on the weapons seized at the camper.

¹"A stipulated bench trial is a legal fiction created solely to give defendants the benefit and convenience of a guilty plea while avoiding the consequences of waiver or forfeiture." *People v. Gonzalez*, 313 Ill. App. 3d 607, 617 (2000). A defendant enters a plea of not guilty in a stipulated bench trial, and a trial is held based on a set of facts agreed to by the parties. *Id.* There remains a remote possibility that the defendant may be found not guilty, however, the reality is that factual guilt is normally a foregone conclusion. *Id.*

¶ 5 As a result of the search of the camper, an alert was put out to members of law enforcement that there was probable cause to arrest the defendant. The defendant was located driving his vehicle and then observed parking at an apartment complex. An officer approached the vehicle and confirmed that the individual driving was the defendant. The defendant was arrested pursuant to the probable cause alert, and an inventory search of the vehicle was performed. The search of the defendant's vehicle resulted in the recovery of a 9-millimeter Shadow Systems XR920 handgun and loose ammunition located throughout the vehicle. Count III was based on the handgun recovered in the defendant's vehicle.

¶ 6 The matter proceeded through discovery, and on August 14, 2023, the defense filed a motion to suppress evidence, alleging that the weapons were recovered as a result of an unwarranted search of the camper and were the "fruit of the poisonous tree,"² in violation of the defendant's fourth amendment rights. The trial court conducted a hearing on the motion to suppress on September 14, 2023. In the interest of brevity and for ease of reference, the testimony related to the issue on appeal will be summarized and provided in our analysis below.

¶ 7 On September 19, 2023, the trial court entered a written order that stated as follows:

"The Court, having considered the testimony of Jefferson County Sheriff's Department Deputies Davin Elliot, Chase Regenhart and Michael Berryman, and having considered Defendant's Exhibits A, B, C, D, I and J; the learned arguments of counsel and the pertinent statutory law and case law, finds as follows:

1. On January 29, 2023, at approximately 4:15 a.m., Jefferson County, Illinois sheriff's deputies Jordan Spetter and Devin Elliott reported to *** East Reef

²Under the fruit of the poisonous tree doctrine, which is an extension of the exclusionary rule, any evidence obtained by exploiting a fourth amendment violation is subject to suppression. *People v. Burns*, 2015 IL App (4th) 140006, ¶ 53.

Road, Mt. Vernon, Jefferson County, Illinois, for a wellness or welfare check on the 16 year-old minor, J.S. A telephone caller who wished to remain unknown, had reported to police authorities that J.S. had communicated that he was going to harm himself with a gun inside the aforesaid East Reef Road residence.

2. The officers' knock on the door of the aforesaid residence yielded a respectful and compliant teenaged boy in sleeping attire, who was alone in a camper trailer in the dead of winter. J.S. immediately denied any suicidal ideation whatsoever but did admit to having had such thoughts before.

3. Deputy Spetter, after a few minutes of sizing up the minor's frame of mind with chit-chat, and before Deputy Elliott arrived at the aforesaid residence, asked J.S. point blank for consent to come inside the residence to look for guns. To which J.S. responded, 'I would, but Dad normally says warrants and stuff.'

4. Although the deputies were suspicious that the anonymous caller's motivation may have been to land J.S.'s father, the Defendant, in jail for the possession of a firearm by a felon, they were nevertheless mindful that the subject of the report was a juvenile without parental supervision so they continued to treat the report as possibly credible and followed their training and experience.

5. In particular, Deputy Elliott testified about his knowledge and experience with J.S. and his troubled family in Hamilton County when Deputy Elliott worked in law enforcement there.

6. In his testimony, Deputy Elliott made it clear that the reason for the deputies to come to the aforesaid residence was not to investigate a crime but instead to ascertain whether or not the minor was in danger of harming himself.

7. Deputy Elliott's duty, as he saw it and as his training taught, was to keep his eyes on J.S. at all times while Deputy Spetter made phone calls and until the ambulance arrived to take J.S. to be evaluated.

8. When J.S. stepped farther inside to get a drink of water, he left the door standing wide open and did not object when Deputy Elliott stepped onto the door threshold to make sure J.S. did not retrieve a weapon to harm himself or the deputy. In fact, J.S. had politely asked Deputy Elliott if he also wanted a drink of water.

9. Deputy Elliott, while standing on the threshold of the door to the residence, did not perform a search but did see in plain view an M4 AR-15 style magazine, a green box of American Eagle 5.56, which is .223 ammunition that he knew from past experience with firearms was American Eagle 5.56 or .223, and a pistol magazine with gold or silver color ammunition inside the magazine.

10. In the case at bar, the deputies came to the subject residence not to make an arrest or to investigate a crime but as community caretakers.

11. It is well established law in this State that a warrantless search, or in this case a warrantless entry into a residence, is an exception to the requirements of the Fourth Amendment when the police are acting only in their role as community caretakers. *People v. Luedemann*, 222 Ill. 2d at 544. Indeed, in 2010 the Illinois Supreme Court expanded on its analysis in *Leudemann* stating:

‘...community caretaking refers to a capacity in which the police act when they are performing some task unrelated to the investigation of a crime, such as helping children find their parents, mediating noise disputes, responding to calls about missing persons or sick neighbors, or helping inebriates find

their way home.’ *People v. McDonough*, 239 Ill. 2d 260, 269, 346 Ill. Dec. 496, 940 N.E.2d 1100, 1107 (2010).

12. What Deputy Elliott lawfully saw in plain view in the camper formed the probable cause basis for the issuance of a warrant to search it.

NOW THEREFORE, for the reasons set out above, the Defendant’s aforesaid Motion is *DENIED*.”

¶ 8 On September 20, 2023, a stipulated bench trial was held. At the beginning of the trial, counts I and II were dismissed, and count III was modified to delete the word “Glock” and insert the words “Shadow Systems XR920.” Instead of an opening statement, defense counsel stated that:

“[T]he purpose for proceeding in the nature of the stipulated bench trial this morning, your Honor, or this afternoon, I should say, is for one purpose and that purpose being to afford this defendant the opportunity to take up on appeal the issues found in the defendant’s Motion to Suppress that was heard last week by your Honor.”

¶ 9 The State then presented written stipulations as to the testimonies of Deputy Devin Elliott, Deputy Michael Berryman, Deputy Chase Regenhardt, Detective Kristina Draege, Detective Brent Witges, and Aaron Horn, a forensic scientist with the Illinois State Police. The State also admitted into evidence, without objection, certified copies of the defendant’s prior convictions of aggravated battery in case No. 2008-CF-84 in White County, and burglary in case No. 2009-CF-8 in Hamilton County. The defense presented no evidence, and the trial court took the matter under advisement.

¶ 10 The defendant filed a motion for a new trial and to vacate the trial court’s finding of guilty on September 27, 2023. The motion was premature since the trial court had not yet ruled regarding

the defendant's guilt or innocence of the charge. That determination was made on October 10, 2023, by docket entry, wherein the trial court stated that it had considered the evidence presented by the parties and found that the State had proven the defendant's guilt beyond a reasonable doubt of the charge of armed habitual criminal. The defendant then refiled his motion for new trial on October 24, 2023. The only stated basis for the motion for new trial was the denial of the motion to suppress evidence without any supporting argument.

¶ 11 A sentencing hearing was conducted on December 14, 2023. Prior to sentencing, the trial court heard arguments on the defendant's motion for new trial. The defendant stated that he reasserted the arguments made at the hearing on the motion to suppress and asked that the trial court reconsider its ruling. The trial court stated that it had a "pretty good" memory of the arguments and evidence at the prior hearing and that it believed it had made a lawful ruling on the motion to suppress and denied the defendant's motion for new trial. The trial court then proceeded to sentence the defendant to 18 years' incarceration within the IDOC and 3 years' mandatory supervised release. The defendant filed a motion to reconsider sentence on December 20, 2023, which the trial court denied on February 28, 2024. The defendant filed a timely notice of appeal on February 29, 2024, bringing this matter before this court.

¶ 12 II. ANALYSIS

¶ 13 The defendant's sole issue on appeal is whether the trial court erred in denying the defendant's motion to suppress evidence. The defendant presents several arguments in support of his position that the trial court erred. Specifically, the defendant argues that the warrantless entry into the camper was not justified under the community caretaking exception to the warrant requirement, that his fourth amendment rights were violated when law enforcement entered the camper without a warrant or consent, and that the search warrant was erroneously based on the

officers' warrantless entry into the camper. In the alternative, the defendant argues that his fourth amendment rights were violated when law enforcement conducted an unnecessary inventory search of the defendant's vehicle.

¶ 14 Before proceeding with our analysis, we must address the State's assertion that the defendant's statement of facts contains improper arguments and mischaracterization of the record. As such, the State requests that the defendant's statement of facts be stricken, in whole or in part, or at a minimum, the improper portions should be disregarded. The defendant counters stating that "[s]imply because the facts were presented so as to support certain conclusions drawn later, does not make the Statement of Facts argumentative."

¶ 15 Illinois Supreme Court Rule 341(h)(6) (eff. Oct. 1, 2020) requires the appellant to provide a statement of facts that "contain[s] the facts necessary to an understanding of the case, stated accurately and fairly without argument or comment." A reviewing court may dismiss a defendant's appeal or strike a defendant's statement of facts for violating the briefing rules. *Carter v. Carter*, 2012 IL App (1st) 110855, ¶ 12. Where the violations of the supreme court rules are not so flagrant as to hinder or preclude review, this court may decline the request to strike and simply disregard any noncompliant portion. *Id.*

¶ 16 While the State is correct that the defendant's statement of facts is not completely compliant with Rule 341(h)(6), we find no flagrant violation of the rule that hinders our review of the merits of this appeal. As such, we will not strike any portion of the defendant's statement of facts, but we will disregard any improper comments, arguments, or facts not supported by the record. We further remind counsel that the facts should be stated accurately without modification, commentary, or arguments and that this court may not be as tolerant concerning any future infractions.

¶ 17 Returning to the issue appealed, we review a trial court's ruling on a motion to suppress evidence under a two-part standard. *People v. Wallace*, 2023 IL App (1st) 200917, ¶ 15. The trial court's factual findings are given great deference and will only be reversed if they are against the manifest weight of the evidence. *Id.* The ultimate legal ruling on whether suppression is warranted, however, is reviewed *de novo*. *Id.* This court may consider all the evidence presented at trial in determining whether the trial court's decision to deny the motion to suppress was correct. *Id.* The defendant bears the burden of making a *prima facie* case that the evidence was obtained by an illegal search or seizure, and once a *prima facie* case that a seizure was unreasonable is established, the burden shifts to the State to come forward with evidence in rebuttal. *People v. Bass*, 2021 IL 125434, ¶ 21. The ultimate burden of proof, however, remains with the defendant. *Id.*

¶ 18 Both the United States Constitution and the Illinois Constitution protect individuals from unreasonable searches and seizures. U.S. Const., amend. IV; Ill. Const. 1970, art. I, § 6. "Reasonableness under the fourth amendment generally requires a warrant supported by probable cause." *People v. Thornton*, 2020 IL App (1st) 170753, ¶ 25. Probable cause exists where the facts and circumstances, considered as a whole, are sufficient to justify a belief by a reasonably cautious person that the defendant has committed a crime. *People v. Hopkins*, 235 Ill. 2d 453, 472 (2009). Any search or seizure within a home without a warrant is presumptively unreasonable. *People v. Davis*, 398 Ill. App. 3d 940, 948 (2010).

¶ 19 The trial court determined that the officer's entry into the camper fell within the community caretaker exception to the warrant requirements of the fourth amendment since the reason for the deputies to come to the residence was not to investigate a crime, but instead to ascertain whether or not the minor was in danger of harming himself. Thereafter, the trial court found that what the officer saw in plain view in the camper formed the probable cause basis for the issuance of the

warrant to search the camper and denied the motion to suppress. The defendant argues that the warrantless entry was not justified under the community caretaking exception. According to the defendant's argument, the officers had already satisfied their community caretaking duties when they contacted J.S. and determined that he was not a danger to himself prior to the warrantless entry into the camper.

¶ 20 The trial court cited to *People v. Luedemann*, 222 Ill. 2d 530, 544 (2006), and *People v. McDonough*, 239 Ill. 2d 260, 269 (2010), and noted that it is well established in Illinois law that an exception to the requirements of the fourth amendment is when officers are acting only in their role as community caretakers. Indeed, both of the cited cases support an analytical doctrine of community caretaking. These cases, however, were decided prior to the United States Supreme Court's decision in *Caniglia v. Strom*, 593 U.S. 194 (2021).

¶ 21 The Supreme Court held in *Caniglia* that community caretaking did not create a standalone doctrine that would justify a warrantless search of a home. *Id.* at 199. We note, however, that Chief Justice Roberts's concurrence, in which Justice Breyer joined, stated that nothing in the *Caniglia* decision was contrary to the position that a warrant to enter a home is not required "when there is a 'need to assist persons who are seriously injured or threatened with such injury.'" *Id.* at 200 (Roberts, C.J., concurring, joined by Breyers, J.) (quoting *Brigham City v. Stuart*, 547 U.S. 398, 403 (2006)). Justice Kavanaugh also filed a concurrence noting that "police officers may enter a home without a warrant in circumstances where they are reasonably trying to prevent a potential suicide." *Id.* at 204 (Kavanaugh, J., concurring). Thus, the *Caniglia* decision rejected the broad community caretaking theory, but the concurrences indicate that exigent circumstances and/or emergency aid remain exceptions to the fourth amendment warrant requirement.

¶ 22 Subsequent to the ruling in *Caniglia*, our supreme court issued a decision in *People v. Aljohani*, 2022 IL 127037. In *Aljohani*, the trial court had denied the defendant’s motion to suppress based on the community caretaking doctrine but the appellate court affirmed finding that the emergency aid exception to the warrant requirement applied. *Id.* ¶ 1. Concerning the community caretaking doctrine, our supreme court noted the following:

“We note the circuit court based its 2018 denial of the motion to suppress on the community caretaking doctrine. However, in 2021, the United States Supreme Court held a police officer’s community caretaking duties do not create ‘a standalone doctrine that justifies warrantless searches and seizures in the home.’ *Caniglia v. Strom*, [593 U.S. 194 (2021)]. Given that we have found the emergency aid doctrine applied in this case and since we can affirm on any basis in the record, notwithstanding the circuit court’s reasoning, we need not address the community caretaking doctrine further.” *Id.* ¶ 63.

¶ 23 Although our supreme court declined to address the community caretaking doctrine in *Aljohani*, we note that it exercised its supervisory authority and directed the reviewing court in *People v. Kolesnikov*, 2020 IL App (2d) 180787, to vacate its judgment and reconsider the merits of the appeal in light of the holding in *Caniglia*. *People v. Kolesnikov*, No. 2-18-0787 (Ill. Sept. 29, 2021) (supervisory order). The judgment in the *Kolesnikov* decision found that the police officers’ entry into the defendant’s home was justified in accordance with the community caretaking doctrine and, thus, the officers were lawfully inside when they observed cannabis plants in plain sight. *People v. Kolesnikov*, 2022 IL App (2d) 180787-UB, ¶ 2. Upon remand and after consideration of the holding in *Caniglia*, the *Kolesnikov* reviewing court again upheld the warrantless entry under the emergency aid exception. *Id.* ¶ 38.

¶ 24 The State contends in its response brief that our supreme court decision in *People v. Hagededt*, 2025 IL 130286, “confirmed that community caretaking remains a viable purpose for police to entry into a home.” The *Hagededt* court stated that “[a]nother possible exception to the warrant requirement is the community caretaking or public safety doctrine.” *Id.* ¶ 26. The supreme court cited *People v. Lewis*, 363 Ill. App. 3d 516, 523 (2006), which addressed the emergency aid doctrine, but noted the *Caniglia* decision holding that the community caretaking duties do not create a standalone doctrine that justifies warrantless searches and seizures in the home. The *Hagededt* court did not address either the community caretaking or emergency aid doctrines since the defendant in that matter had conceded that it was reasonable for the police officers to enter the defendant’s home without a warrant.

¶ 25 Given the above precedent, we disagree with the State that the community caretaking doctrine remains a viable purpose for a warrantless entry into a home. Instead, we believe that the *Caniglia* decision clearly rejected the community caretaking exception outside of the community caretaking or public safety exception for vehicles (see *People v. Ursini*, 245 Ill. App. 3d 480, 483 (1993)). Community caretaking and emergency aid are separate activities where the one, community caretaking, could lead to an emergency aid situation necessitating a warrantless entry, but simply engaging in community caretaking in and of itself does not justify a warrantless entry into a home. We are proceeding under this understanding until such time as our supreme court provides additional guidance.

¶ 26 As in *Kolesnikov*, the trial court in this matter based its judgment on its finding that the officer was justified in the warrantless entry because he was acting in his role as a community caretaker. The question before this court, however, remains the correctness of the result reached

by the trial court and not the correctness of the reasoning upon which that result was reached. See *People v. Novak*, 163 Ill. 2d 93, 101 (1994).

¶ 27 It is both universally recognized and long established that a reviewing court may sustain a lower court's decision on any grounds contained within the record. *People v. Johnson*, 208 Ill. 2d 118, 129 (2003). The State argues that the officers' actions at the camper apply equally under the emergency aid exception to the warrant requirement. Given the holdings in *Caniglia* and *Aljohani*, and the exercise of supervisory authority in *Kolesnikov*, we will focus our analysis on the emergency aid exception to the warrant requirement instead of the community caretaking exception that the trial court relied upon.

¶ 28 In order for the emergency aid exception to apply, the police must have reasonable grounds to believe there is an emergency at hand and some reasonable basis, approximating probable cause, associating the emergency with the area to be searched or entered. *People v. Lomax*, 2012 IL App (1st) 103016, ¶ 29. "The reasonableness of the officers' beliefs as to the existence of an emergency is determined by the totality of the circumstances known to the officer at the time of entry." *Id.* "[P]robable cause in an emergency situation is based upon a desire to locate potential victims and ensure their safety, rather than a reasonable belief that a search will disclose evidence of criminal activities." *Id.* ¶ 50. Officers do not need definite proof of a likely serious, life-threatening injury to invoke the emergency aid exception since the test is whether there was an objectively reasonable basis for believing that medical assistance was needed or a person was in danger. *Aljohani*, 2022 IL 127037, ¶ 42. Further, "judges should be cautious about second-guessing a police officer's assessment, made on the scene, of the danger presented by a particular situation." *Ryburn v. Huff*, 565 U.S. 469, 477 (2012).

¶ 29 In this case, Deputy Devin Elliott of the Jefferson County sheriff's department testified at the hearing on the motion to suppress that he had received a report that a juvenile was suicidal and had access to a firearm. Deputy Elliott stated that it was January and extremely cold when J.S. was contacted at the camper. J.S. informed the officers that he lived there with his father, the defendant. J.S. further stated that he did not have a phone, did not know where his father was, and that he had not seen his father since the prior evening. While J.S. denied having suicidal thoughts at that time, he confirmed that he had experienced previous suicidal thoughts.

¶ 30 When J.S. left the doorway of the camper and went to get a glass of water, Deputy Elliott testified that he stepped inside of the door frame because "[m]y concern was if there was a firearm in the house, you know, his safety, our safety, since no one else was there that was over the age of 18 for any kind of parental guidance was there, to step inside the house with him." Deputy Elliott stated that he stood in the threshold of the door frame and never left the doorway. He denied any other reason for entering the camper other than ensuring J.S.'s safety. While speaking with the officers, J.S. indicated that his father did possess firearms that were located within the camper, including a loaded "AR style" rifle in the bathroom. The officers were aware that the only residents of the camper were J.S. and the defendant and that the defendant had prior felony convictions. Because there was no guardian present, J.S. was taken into protective custody and transported to the hospital for an evaluation.

¶ 31 Deputy Elliott testified that he could not "tell if someone is going through mental health or what they are going through. That's why any time we get a call with that, especially with a juvenile, we send them to the actual physician who is certified to tell that. I'm not going to make that decision." Deputy Elliott stated that he was not investigating any crime when he was at the camper,

that his contact with J.S. had been a mental health call, and that it was consistent with his training and experience to maintain a visual on the individual in such circumstances.

¶ 32 The defendant, in his argument regarding whether Deputy Elliott had consent to enter the camper, stated that J.S. “was a child who had already had a few run ins with law enforcement, who was tired, cold, thirsty, fearful, and confused.” Although there was a question regarding the motivation of the anonymous reporter, the fact remained that this was an unsupervised minor who was reported to be suicidal with access to firearms, who had informed the responding officers that he did sometimes experience suicidal thoughts, and who also confirmed that there were weapons located inside of the camper. According to the National Institute of Mental Health (Nat’l Inst. of Mental Health, *Suicide*, <https://www.nimh.nih.gov/health/statistics/suicide> (last visited Aug. 27, 2026) [<https://perma.cc/ACA9-LBKJ>]), in 2023, suicide was the second leading cause of death for individuals ages 10-34. In 2024, the Centers for Disease Control and Prevention (Ctrs. for Disease Control and Prevention, *Suicide Data and Statistics*, <https://www.cdc.gov/suicide/data>, (May 20, 2026), [<https://perma.cc/Q557-M28V>]) recorded over 48,000 suicides, with the rate among males being nearly four times higher than the suicide rate among females.

¶ 33 As Deputy Elliott noted, he was not a physician who was certified in the assessment of mental health. Thus, he testified that he could not adequately assess whether J.S. would cause self-harm if left unsupervised, regardless of whether J.S. denied such ideation. Having received a report that J.S. was suicidal and having received confirmation from J.S. that he was at times suicidal, Deputy Elliott entered the camper in order to keep J.S. in sight to ensure his safety. Deputy Elliott did not walk around inside of the camper in an attempt to observe anything other than J.S. Further, J.S. had been alone since the prior evening, he could not inform Deputy Elliott of the defendant’s location, and Deputy Elliott was aware that no other adult was inside the camper to protect J.S.

from self-harm since neither J.S. nor the officers had any means of contacting the defendant to ensure that J.S. had ongoing supervision.

¶ 34 As such, we find that Deputy Elliott had reasonable grounds to believe that emergency aid was needed based upon the totality of the circumstances known to him at the time. We further find that the emergency aid situation was based upon Deputy Elliott's desire to ensure J.S.'s safety rather than a reasonable belief that a warrantless entry would disclose evidence of criminal activities. Accordingly, we find the emergency aid exception to the warrant requirement applies and that Deputy Elliott's entry onto the threshold of the camper to keep J.S. in sight did not violate the defendant's fourth amendment rights. We further find that it was from that threshold that Deputy Elliott was able to observe the ammunition within the home, and it was through rendering emergency aid to J.S. that the deputies learned that the defendant illegally possessed firearms within the home, thereby forming the probable cause basis for the search warrant that was later obtained to search the camper.

¶ 35 Given that we have found that the emergency aid doctrine applies in this case, and that we can affirm on any basis in the record notwithstanding the trial court's reasoning, we need not address the trial court's finding that the officers were acting as community caretakers. We further need not address the defendant's remaining arguments regarding the lack of consent or that the search warrant was erroneously based on the officers' warrantless entry to the camper because the information forming the basis of the application for the search warrant was properly obtained in the course of rendering emergency aid and no constitutional violation occurred from which it could be stated that the further evidence collected was the fruit of the poisonous tree.

¶ 36 In the alternative, the defendant argues that his fourth amendment rights were violated when law enforcement conducted an inventory search of his vehicle. The State argues that the

defendant has forfeited this alternative argument, and any plain error review, regarding the inventory search of his vehicle. The defendant, in turn, asserts that the State has forfeited its argument that law enforcement had a basis independent of the entry into the camper for the search of the defendant's vehicle. Both parties state that these arguments were not raised in the trial court and, thus, should be forfeited.

¶ 37 Generally, an argument not raised in the trial court is forfeited and this principle applies to the State as well as the defendant in criminal cases. *People v. Artis*, 232 Ill. 2d 156, 177-78 (2009); *People v. Holloway*, 86 Ill. 2d 78, 91 (1981). A reviewing court is required to determine which issues or arguments, if any, have been forfeited in order to avoid the unnecessary expenditure of judicial resources. See *People v. Smith*, 228 Ill. 2d 95, 106 (2008).

¶ 38 We will first address the State's contention that the defendant has forfeited his alternative argument. The defendant's alternative argument alleges that he met his initial burden of a *prima facie* case that the inventory search was illegal through the testimony of Deputy Regenhardt that the search was conducted without a warrant and without the consent of the defendant. Thus, the defendant argues that the burden shifted to the State to demonstrate that the inventory search was lawfully conducted and the State failed to meet the necessary elements to demonstrate a lawful inventory search. The defendant further argues that there is no forfeiture, nor is there a need for plain error review, since "the State is mistaken because the issue was raised below."

¶ 39 There is a difference between an issue and an argument, although these terms are often interchanged. An issue is "[a] point in dispute between two or more parties." Black's Law Dictionary (9th ed. 2009). For example, in this matter, the issue is whether the trial court erred in denying the defendant's motion to suppress. An argument, on the other hand, is "[t]he act or process of attempting to persuade." *Id.* For example, in this matter, the defendant presented three

primary arguments related to the warrantless search of the camper and one alternative argument related to the inventory search of the vehicle in an effort to persuade this court that the trial court erred in denying the motion to suppress evidence.

¶ 40 Thus, we agree with the defendant that the issue was raised in the trial court, but we do not agree that the defendant's alternative argument was raised at any point in the trial court. Our review of the defendant's motion to suppress and the arguments raised at the hearing on the motion, demonstrate that all of the defendant's arguments focused entirely on the warrantless search of the camper. The defendant never challenged the inventory search on any other basis such that the State had an opportunity to present relevant rebuttal evidence or allowed the trial court to properly consider and rule on the argument.

¶ 41 The defendant's motion to suppress evidence filed on August 14, 2023, stated that a search of the defendant's vehicle was conducted subsequent to a traffic stop, that there was no probable cause to initiate the traffic stop or to stop the vehicle, and "the seizure by law enforcement of the items found in the [defendant's vehicle] were the fruit of the unwarranted intrusion and search conducted by the officers of the Camper as described above." Since it became evident that no traffic stop was conducted, the defendant did not pursue the argument at the hearing, and instead, focused his arguments at the hearing on a theory of "the fruit of the poisonous tree" from the warrantless search.

¶ 42 The defendant acknowledged that defense counsel did "not specifically cite error with the inventory search, and rather counsel cited error with the search of [the defendant's] vehicle as a whole ***." The defendant cites *People v. Hyland*, 2012 IL App (1st) 110966, ¶ 27, arguing that "[i]t is not necessary for the defendant's objection to state identical grounds for contesting the issue." While the *Hyland* court found that the defendant's argument was sufficiently raised in the

trial court, it went on to find that the State had forfeited an argument by failing to argue the theory at trial. *Id.* ¶¶ 27, 29. The defendant also cites several cases³ that generally held that the grounds on appeal may differ from those asserted in the trial court if a proper record was developed and the trial court had an opportunity to review the same essential claim that was later raised on appeal.

¶ 43 Throughout the cases cited by the defendant and throughout the abundant cases where the issue has been addressed by our supreme court, we find that the central element to forfeiture of an argument is whether the opposing party had sufficient notice of a particular theory to present pertinent evidence that could have a bearing on the disposition of the issue before the court. See, e.g., *People v. Hughes*, 2015 IL 117242, ¶¶ 40, 46. Further, our supreme court has “stressed the importance of applying the forfeiture rule uniformly except in compelling situations because failure to raise a claim properly denies the trial court an opportunity to correct an error or grant a new trial, thus wasting time and judicial resources.” *People v. Thompson*, 238 Ill. 2d 598, 612 (2010).

¶ 44 Here, we find no indication that the alternative argument regarding the inventory search of the defendant’s vehicle was raised in the defendant’s motion to suppress evidence, nor was the argument sufficiently raised at the hearing. Accordingly, we find that the defendant has forfeited his alternative argument on appeal. The defendant has also forfeited a plain error review of his alternative argument by failing to present any argument on either of the two prongs of the plain error doctrine. *People v. Hillier*, 237 Ill. 2d 539, 545-46 (2010) (“[W]hen a defendant fails to

³The defendant’s brief cited the following cases: “See, e.g. *People v. Coleman*, 227 Ill. 2d 426, 433 (2008) (grounds on appeal may differ from those on appeal so long as defendant preserved issue in circuit court); *People v. Heider*, 231 Ill. 2d 1, 18 (2008) (‘[W]here the trial court clearly had an opportunity to review the same essential claim that was later raised on appeal, this court has held that there was no forfeiture.’); *People v. Mohr*, 228 Ill. 2d 53, 64-65 (2008) (objection to same instruction in circuit court and appeal sufficient to avoid forfeiture even though legal theories different); compared to *People v. Hughes*, 2015 IL 117242, ¶¶ 40-45 (forfeiture where reasons for suppression in trial and appellate court were ‘almost wholly distinct from one another’ and where factual record was not developed below).”

present an argument on how either of the two prongs of the plain-error doctrine is satisfied, he forfeits plain-error review.”). Finally, the defendant’s assertion that the State has forfeited its argument that law enforcement had a basis independent of the entry into the camper for the search of the defendant’s vehicle is now moot.

¶ 45 Therefore, based on the specific facts of this case, we find that the trial court’s factual findings were not against the manifest weight of the evidence. We further find, based on our *de novo* review, that the trial court did not err in denying the defendant’s motion to suppress evidence. Accordingly, we affirm the trial court’s denial of the defendant’s motion to suppress evidence.

¶ 46 III. CONCLUSION

¶ 47 For the foregoing reasons, the judgment of the trial court of Jefferson County is affirmed.

¶ 48 Affirmed.

People v. Stallings, 2026 IL App (5th) 240309

Decision Under Review: Appeal from the Circuit Court of Jefferson County, No. 23-CF-27; the Hon. Jerry E. Crisel, Judge, presiding.

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