

**No.**  
**IN THE**  
**SUPREME COURT OF THE UNITED STATES**

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**LADERRIUS WILLIAMS**, Petitioner,  
-vs-

**PEOPLE OF THE STATE OF ILLINOIS**, Respondent.

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On Petition For Writ Of Certiorari  
To The Supreme Court Of Illinois

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**PETITION FOR WRIT OF CERTIORARI**

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## QUESTION PRESENTED FOR REVIEW

This case concerns the scope of *Kansas v. Glover*, \_\_ U.S. \_\_ 140 S. Ct. 1183, 1188-89, 91 (2020), which held that it is reasonable for an officer to infer that a person seen driving a vehicle is its registered owner, and that this inference provides reasonable suspicion to initiate a traffic stop if the owner's license is revoked. *Dicta* from *Glover* (*i.e.*, the officer therein had "more than reasonable suspicion") has left lower courts confused and divided over whether, and in what circumstances, *Glover*'s owner-driver inference provides probable cause to arrest a vehicle's registered owner. *Glover*, 140 S.Ct. at 1188.

While lower courts generally consistently apply *Glover* in traffic-stop cases, they interpret it inconsistently and differently in cases like the instant one, where the police have reason to believe that a car was involved in a crime (*e.g.* fleeing the police) but the unidentified driver got away. Here, the Illinois Appellate Court held that the police had probable cause to arrest LaDerrius Williams for fleeing/eluding the police pursuant to *Glover* simply because he owned the fleeing vehicle, even though the driver got away and the police admittedly could not identify Williams as the offending driver. *People v. Williams*, 2023 IL App (4th) 220481-U, ¶18 (citing *Glover*, 140 S.Ct. at 1188). *See also State v. Young*, 953 N.W.2d 100 (Wisc. App. 2020) (same). *But see Caskey v. Fenton*, No. 22-3100, 2022 WL 16964963 (6th Cir. 2022) (finding that *Glover*'s owner-driver inference did not alone give the police probable cause to arrest the car's owner for fleeing the police where the police could not identify the owner as the driver); *Groce v. Jackson*, 2022 WL 3645906 (N.C. 2022) (similar); *Pennsylvania v. Hutchinson*, 2023 WL 8453141 at \*6 (Pa. Super. Ct.

2023) (*Glover*'s owner-driver inference gave the police reasonable suspicion to believe that the car's registered owner was the unidentified motorist who fled the police).

The question thus presented is whether *Glover*'s owner-driver inference constitutes, not only reasonable suspicion to initiate a traffic stop of a motorist if the police have reason to believe the vehicle's owner committed a crime, but also probable cause to arrest a vehicle's owner at any time if the police have reason to believe his car was involved in a crime, even if the police could not identify the vehicle's owner as the driver who committed the crime?

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The petitioner, LaDerrius Williams, respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINION BELOW**

The decision of the Illinois Appellate Court (Appendix C) is reported at *People v. Williams*, 2023 IL App (4th) 220481-U, and is unpublished.

**JURISDICTION**

The Appellate Court affirmed LaDerrius Williams's conviction on June 22, 2023. *People v. Williams*, 2023 IL App (4th) 220481-U. Williams timely filed a Petition for Rehearing on July 12, 2023. The Fourth District Appellate Court denied the Petition for Rehearing on July 17, 2023, but issued a modified decision on that same date. *People v. Williams*, 2023 IL App (4th) 220481-U. On August 7, 2023, Williams timely filed a Petition for Leave to Appeal to the Illinois Supreme Court, which the court denied on September 27, 2023. *People v. Williams*, No. 129918 (Sept. 27, 2023). The



jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1257(a).

**CONSTITUTIONAL PROVISION INVOLVED**

**The Fourth Amendment to the United States Constitution 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.

## STATEMENT OF THE CASE

### *Factual background and circuit court proceedings*

This case concerns the legality of a warrantless arrest of a car's registered owner after a vehicle police chase involving an unidentified driver.

At around 1:45 a.m. on June 20, 2020, an Illinois police officer, John Irving, pursued a red pickup truck after he observed it driving recklessly. (R. 32, 35-36).<sup>1</sup> Officer Irving lost sight of the vehicle when it pulled into the parking lot of a housing complex. (R. 37). Shortly thereafter, Officer Irving discovered the truck parked in the parking lot. (R. 38). The truck was unattended but still running, with its lights on, and it was unlocked. (R. 39). Officer Irving and several other officers who arrived on the scene began to conduct an inventory search of the truck, as they intended on impounding it for violating a local ordinance. (R. 28, 39). During this time, Williams approached the officers, acknowledged the truck was his, and asked them what was going on. *People v. Williams*, 2023 IL App (4th) 220481-U, ¶10, 17, 20; (P.E. 1(b) at 0:00:46-47).<sup>2</sup> Williams told the officers that he had loaned his truck to a friend and had not driven it earlier that night. *Id.* at ¶10; (P.E. 1(b) at 0:00:58-59). Officer Irving, the pursuing officer, did not know who was driving the truck during the police pursuit. He said that “someone” saw Williams driving the truck earlier (during the day of June 19) but that, “all I saw was a black guy” and that “I can’t ID him as the guy that fled from

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<sup>1</sup> The transcript of the Report of Proceedings from the hearing on Williams’ motion to quash arrest and suppress evidence and from his stipulated to bench trial are appended to this Petition (“Appendix E”).

<sup>2</sup> People’s exhibit 1(b) (“P.E. 1(b) is video from an officer’s (Officer Chad Oberle) body camera.

over there.” *Id.* at ¶10; (P.E. 1(a) at 0:01:20-1:24;<sup>3</sup> P.E. 1(b) at 0:19:48). Nonetheless, the police immediately arrested Williams, prompting Williams to ask the officers why they were “grabbing” and arresting him. *Williams*, 2023 IL App (4th) 220481-U, ¶10; (R. 28); (P.E. 1(b) at 0:01:08-10, 0:01:48). Pursuant to the search incident to arrest, the police discovered cocaine in Williams’ pocket. (R. 75).

Williams filed a motion to quash his arrest and suppress evidence on grounds that the police lacked probable cause to arrest him. (R. 22). The trial court denied the motion, finding that the police had probable cause to arrest Williams for fleeing/eluding the police because his truck “fled from an officer and then Mr. Williams appeared.” (R. 49). The case then proceeded to a stipulated bench trial, after which the circuit court found Williams guilty of unlawful possession of a controlled substance and sentenced him to 30 months’ probation. (R. 73-74, 79).

#### *Direct appeal*

On direct appeal, Williams argued that the police lacked probable cause to believe that he was the driver who fled the police and that his arrest was unlawful. Accordingly, Williams argued that his motion to quash arrest and suppress evidence should have been granted and that his conviction should be reversed. *People v. Williams*, 2023 IL App (4th) 220481-U, ¶2. The Illinois Appellate Court disagreed, finding that the police had probable cause to arrest Williams for fleeing/eluding the police under *Kansas v. Glover*, \_\_ U.S. \_\_ 140 S. Ct. 1183 (2020). *People v. Williams*, 2023 IL App (4th) 220481-U, ¶¶18-19.

In *Glover*, this Court held that a police officer’s commonsense inference that a

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<sup>3</sup> People’s exhibit 1(a) (“P.E. 1(a) is video from Officer Irving’s body camera.

vehicle's owner was most likely its driver provided reasonable suspicion to initiate a traffic stop where the officer knew that the owner's license was revoked. *Glover*, 140 S. Ct. at 1188-89. In so holding, this Court also stated that the facts known to the officer in *Glover* gave him "more than reasonable suspicion" to stop the vehicle. *Glover*, 140 S. Ct. at 1188.

Relying on this *dicta*, the Illinois Appellate Court interpreted *Glover*'s owner-driver inference to "exceed[] the standard of reasonable suspicion." *Williams*, 2023 IL App (4th) 220481-U, ¶18. The Illinois Appellate Court then went on to conclude that *Glover*'s commonsense owner-driver inference is "just as true in a probable-cause case as in a reasonable-suspicion case," as commonsense considerations govern both standards. *Id.* Because Williams admitted to owning the truck, the Illinois Appellate Court held that the police had probable cause to arrest him for reckless driving and for fleeing/eluding the police. *Id.*

The appellate court alternatively held that, even if *Glover*'s owner-driver inference amounts only to reasonable suspicion, that inference, coupled with Williams' failure to ask the obvious question of why the officers were impounding his truck, together gave the police probable cause to arrest him. *Id.* at ¶20.

The appellate court denied the petition for rehearing but issued a modified decision upon denial of the petition. *People v. Williams*, 2023 IL App (4th) 220481-U. In part, the petition for rehearing pointed out that Williams asked the police multiple times why they were searching his car and arresting him, facts which the original decision did not address. *Id.* at ¶10. The Illinois Appellate Court, however, believed that a reasonable person would have asked "more pointed and specific

questions,” such as “why the police were seizing his truck or what his friend had done to precipitate this drastic action” of towing his truck. *Id.* This was the only substantive change to the original order; the court’s legal analysis regarding *Glover* remained unchanged. *Williams*, 2023 IL App (4th) 220481-U, ¶¶18-20.

Williams subsequently filed a Petition for Leave to Appeal to the Illinois Supreme Court, which was denied on September 27, 2023. *People v. Williams*, No. 129918 (Sept. 27, 2023).

## REASONS FOR GRANTING CERTIORARI

**THIS COURT SHOULD DECIDE WHETHER *KANSAS V. GLOVER*'S OWNER-DRIVER INFERENCE PROVIDES PROBABLE CAUSE TO ARREST A VEHICLE'S REGISTERED OWNER AT ANY TIME.**

### Introduction

The Fourth Amendment protects the right of the people “to be secure in their persons, houses, papers, and effects,” against unreasonable searches and seizures. U.S. Const. Amend. IV. A warrantless arrest of an individual in a public place is consistent with the Fourth Amendment if it is supported by probable cause. *Arizona v. Gant*, 556 U.S. 332, 338 (2009); *Coolidge v. New Hampshire*, 403 U.S. 443, 454-55 (1971). The probable-cause standard protects “citizens from rash and unreasonable interferences with privacy and from unfounded charges of crime,” while giving “fair leeway for enforcing the law in the community’s protection.” *Brinegar v. United States*, 338 U.S. 160, 176 (1949). It is a “practical, nontechnical conception” that deals with “the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act.” *Illinois v. Gates*, 462 U.S. 213, 231 (1983) (quoting *Brinegar*, 338 U.S. at 175-176). Probable cause is a “fluid concept – turning on the assessment of probabilities in particular factual contexts – not readily, or even usefully, reduced to a neat set of legal rules.” *Maryland v. Pringle*, 540 U.S. 366, 370-71 (2003) (quoting *Gates*, 462 U.S. at 232). While the probable cause standard is incapable of precise definition, the substance of all definitions is a “reasonable ground for belief of guilt,” which must be particularized with respect to the person being searched or seized. *Pringle*, 540 U.S. at 371; *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979). General proof that a crime has occurred is

insufficient to support the arrest of any particular individual. *Ybarra*, 444 U.S. at 91. Therefore, under the probable cause exception to the warrant requirement, a police officer may make a warrantless arrest only if the facts and circumstances known to him at the time of the arrest would cause a reasonable officer to believe that the defendant had committed a crime. *Devenpeck v. Alford*, 543 U.S. 146, 152 (2004); *Ornelas v. United States*, 517 U.S. 690, 696 (1996); *Pringle*, 540 U.S. at 371.

In contrast to probable cause for an arrest, the Fourth Amendment allows an officer to initiate a brief investigative stop when he has “a particularized and objective basis for suspecting the particular person stopped of criminal activity,” *i.e.*, reasonable suspicion. *United States v. Cortez*, 449 U.S. 411, 417-418 (1981); U.S. Const. amend. IV; *see also Terry v. Ohio*, 392 U.S. 1, 21-22 (1968).

In *Kansas v. Glover*, this Court issued a “narrow” holding: when records indicate that a vehicle owner’s license is revoked and there is no information negating the reasonable inference that the owner is the driver, an officer has reasonable suspicion to initiate a traffic stop. *Kansas v. Glover*, 598 U.S. \_\_\_, 140 S. Ct. 1183, 1188-89, 1191 (2020). But *Glover’s dicta* – that the officer there had “more than reasonable suspicion” – has caused lower courts to struggle with the meaning of *Glover’s* owner-driver inference. *Glover*, 140 S. Ct. at 1188. Relying on this *dicta*, the Illinois Appellate Court held that *Glover’s* owner-driver inference “exceed[s]” reasonable suspicion and actually provides probable cause to arrest, not just mere suspicion to conduct a *Terry* stop, a car’s registered owner at any time. *People v. Williams*, 2023 IL App (4th) 220481-U, ¶18. The Court of Appeals of Wisconsin reached the same conclusion. *State v. Young*, 953 N.W.2d 100, ¶¶20-21 (Wisc. App.

2020). However, the Sixth Circuit Court of Appeals, the Superior Court of Pennsylvania, and the Middle District of North Carolina Court reached the opposite conclusion, finding that *Glover*'s owner-driver inference alone does not establish probable cause to arrest the car's owner at any time. *Caskey v. Fenton*, No. 22-3100, 2022 WL 16964963 (6th Cir. 2022), at \*1, 5-6; *Pennsylvania v. Hutchinson*, 2023 WL 8453141 at \*6 (Pa. Super. Ct. 2023); *Groce v. Jackson*, 2022 WL 3645906 (N.C. 2022) at \*13-15.

The instant case underscores the need for intervention from this Court. The Illinois Appellate Court's decision flatly conflicts with and unreasonably extends *Glover*'s "narrow" holding. *Glover*, 140 S. Ct. at 1191. Without corrective action from this Court, the divide over the meaning of *Glover*'s owner-driver inference will continue to grow. And, left uncorrected, the Illinois Appellate Court's decision will allow for arrests to be based on mere suspicion and eradicate the requirement that probable cause be particularized with respect to the person arrested. *Ybarra*, 444 U.S. at 91; *Pringle*, 540 U.S. at 371; U.S. Const. amend. IV. Therefore, this Court should grant review to correct the lower court's decision, to address the confusion and divide among lower courts regarding *Glover*'s scope, and to decide whether *Glover*'s owner-drive inference provides probable cause to arrest a car's registered owner at any time.

**I. The Illinois Appellate Court's Decision Flatly Conflicts with and Unreasonably Extends *Glover*'s "Narrow" Holding.**

**A. *Kansas v. Glover***

In *Kansas v. Glover*, a police officer, while on routine patrol, ran the license plate of a 1995 Chevrolet pickup truck through the Kansas Department Revenue



database. *Kansas v. Glover*, 598 U.S. \_\_\_, 140 S. Ct. 1183, 1187 (2020). He learned that the vehicle’s registered owner, Charles Glover, Jr., had a revoked driver’s license. *Id.* Assuming that Glover was the driver, the officer initiated a traffic stop, even though he did not observe the driver commit any other traffic violation or confirm the driver’s identity. *Id.* The driver was indeed Glover and he was subsequently charged with driving as a habitual violator. Glover filed a motion to suppress, which the district court granted after finding that the officer lacked reasonable suspicion to stop the vehicle. *Id.* at 1186-87. The Kansas Court of Appeals reversed, holding that it was reasonable for the officer to infer that the driver was the owner of the car and that this commonsense inference gave rise to reasonable suspicion. *Id.* at 1187. The Kansas Supreme Court reversed. *Id.* It concluded that the officer’s inference amounted to a mere hunch, which was based on unreasonable assumptions. *Id.*

In an eight-Justice opinion, this Court reversed the judgment of the Kansas Supreme Court, and found that the officer had reasonable suspicion to stop the vehicle. *Glover*, 140 S. Ct. 1183 at 1188. Considering the totality of the circumstances – namely the computer database information, coupled with the officer’s reasonable, commonsense inference that the vehicle’s owner was driving his car with a revoked license – this Court concluded that the officer possessed reasonable suspicion that Glover was engaged in criminal activity to justify a traffic stop. *Id.* at 1188-89. In so concluding, this Court “emphasize[d] the narrow scope” of its holding. *Id.* at 1191. This Court explained that additional factors might dispel reasonable suspicion, and that the owner-driver inference would not apply if, for

example, an officer observed a young female motorist when the car was registered to a older male. *Id.*

In a concurring opinion, Justice Kagan highlighted the decision's narrow scope and suggested that further factual development could support a different conclusion in a case with different facts, *e.g.*, a case where a state had barred an owner from driving "on a ground that provided no similar evidence of his penchant for ignoring driving laws." *Glover*, 140 S. Ct. at 1192 (Kagan, J., concurring). Justice Kagan would have treated Glover differently had Kansas suspended, rather than revoked, Glover's license, explaining "no similar evidence" could have then indicated his "penchant for ignoring driving laws" because "most license suspensions do not relate to driving at all." *Id.* Justice Kagan also stated that, even when an initial presumption of reasonable suspicion is warranted, a defendant may still challenge that presumption with additional information, such as "the attributes of the car" or "statistical evidence." *Id.* at 93. Justice Sotomayor dissented. *Glover*, 140 S. Ct. at 1194 (Sotomayor, J., dissenting). She characterized the majority opinion as ignoring the foundation of reasonable-suspicion jurisprudence and reducing the prosecution's burden of proof. *Id.* at 1194-97.

### **B. *People v. Williams***

In *Williams*, Officer Irving pursued a red pickup truck, intent on stopping it for reckless driving and for violating a local ordinance prohibiting the squealing of tires. (R. 35-36). After briefly losing sight of the vehicle, the officer located the truck parked, but still running, with its doors closed and unlocked, in the parking lot of a housing complex. (R. 38; P.E. 1(a)). The vehicle was unattended and unoccupied; no

civilian was in the parking lot or otherwise near the unoccupied vehicle. (R. 39; P.E. 1(a), (b)). A few minutes after the police began searching the unlocked vehicle, Williams approached and asked the officers what was going on. *People v. Williams*, 2023 IL App (4th) 220481-U, ¶10, 17, 20; (P.E. 1(b) at 0:00:46). He admitted the truck was his, but told the officers that a friend had borrowed it that night. *Williams*, 2023 IL App (4th) 220481-U, at ¶10; (P.E. 1(b) at 0:00:46-53). When Williams stepped toward his truck to retrieve his personal effects before the police towed it, the officers immediately arrested him and, pursuant to the search incident to arrest, discovered cocaine in his pocket. (R. 28, 75; P.E. 1(b) at 0:01:08-0:02:12). Officer Irving admitted that he did not see the driver who fled the police, as he only saw a “black guy” in the vehicle and could not identify Williams as the driver. *Williams*, 2023 IL App (4th) 220481-U, ¶10; (P.E. 1(a) at 1:20-1:24, P.E.1 (b) at 0:19:48).

Based on his drug possession, Williams was charged with possession of a controlled substance with intent to deliver. (R. 2). Williams filed a motion to quash arrest and suppress evidence, arguing that the police lacked probable cause to arrest him. (R. 22). The trial court denied the motion, finding that the officers had probable cause to arrest Williams for fleeing and/or eluding the police because his truck “fled from an officer and then Mr. Williams appeared.” (R. 49).

Relying on *Glover*, the Illinois Appellate Court affirmed. *Williams*, 2023 IL App (4th) 220481-U, ¶18. The court stated:

To be sure, the reasonable suspicion required for a traffic stop is a less demanding standard than the probable cause standard for arrests. [Citations] Even so, according to the Supreme Court in *Glover*, “the commonsense inference” that the registered owner of

the vehicle was “likely” the person driving the vehicle “provided *more than reasonable suspicion*.” \* \* \* Thus, according to the Supreme Court, the facts in *Glover* exceeded the standard of reasonable suspicion. **Admittedly, the Supreme Court did not specifically hold in *Glover* that the more demanding standard of probable cause was met.** Likelihood, however is likelihood, and common sense is common sense, regardless of whether the question is reasonable suspicion or probable cause. To reiterate, the Illinois Supreme Court has explained that “[t]he *probability* of criminal activity \* \* \* is the standard for determining whether probable cause is present” and that “[w]hether the necessary probability exists is governed \* \* \* by *common-sense* considerations.”[] The Supreme Court of the United States has said it is only commonsense that the owner of a vehicle is probably the individual who is driving it. *Glover*, \_\_ U.S. \_\_, 140 S.Ct. at 1188. That statement would be just as true in a probable-cause case as in a reasonable-suspicion case—and. . . commonsense considerations govern probable cause [].

*Williams*, 2023 IL App (4th) 220481-U, at ¶18 (italics in original and bold type added). The court concluded that, because Williams admitted that the truck was his, commonsense suggested that he was likely the person who had driven the truck and that the police, therefore, had probable cause to arrest him for fleeing/eluding the police under *Glover*. *Id.*

**C. *Williams* flatly conflicts with and unreasonably extends *Glover*.**

Although this Court stated in *Glover* that the totality of the facts gave the officer “more than reasonable suspicion,” this Court firmly anchored its holding to the pragmatic reasonable-suspicion standard. *Glover*, 140 S. Ct. at 1188. It echoed the long-standing principle that the level of suspicion required for reasonable suspicion “is considerably less than proof of wrongdoing by a preponderance of the evidence, and obviously less than is necessary for probable cause,” instructing, “[t]he reasonable suspicion inquiry ‘falls considerably short’ of 51% accuracy”

because “to be reasonable is not to be perfect.” *Id.* at 1188 (quoting *Prado Navarette v. California*, 572 U.S. 393, 397 (2014), *United States v. Arvizu*, 534 U.S. 266, 274 (2002), and *Heien v. North Carolina*, 574 U.S. 54, 60 (2014)). *Glover* rejected the demand for “scientific certainty” in favor of “commonsense judgments and inferences” where “the possibility of innocent conduct” need not be ruled out. *Id.* at 1188. Discussing the “reasonable suspicion” standard, this Court reiterated: “The standard depends on the factual and practical considerations of everyday life on which *reasonable* and *prudent* men, not legal technicians, act.” *Glover*, 140 S. Ct. at 1188 (emphasis in original and internal quotation marks omitted) (citing *Navarette*, *supra*, at 402). Applying these principles, this Court held that the facts known to the officer gave him reasonable suspicion to initiate a traffic stop. *Id.*

The Illinois Appellate Court’s holding – the police had probable cause to arrest Williams based on the mere fact that he owned the truck that fled the police, even though the police did not see the fleeing driver and could not identify him as Williams – squarely conflicts with *Glover*’s unequivocal holding. Under *Glover*, this fact gave the police, at most, reasonable suspicion to conduct a *Terry* stop of Williams. *Glover*, 140 S. Ct. 1183, 1188-89, 1191. It is one thing to say, as this Court did in *Glover*, that is reasonable for a police officer stop a vehicle to investigate further the identify of the driver. *Id.* But it is quite another thing to say, as the Illinois Appellate Court did, that an officer can arrest a car’s owner without investigating or questioning him to determine if he was, indeed, the driver at the time in question. *Williams*, 2023 IL App (4th) 220481-U, at ¶18. That is unreasonable.

While Officer Irving may have had probable cause to believe that a crime of reckless driving or fleeing/eluding the police had occurred, he still needed probable cause to believe that Williams was the driver who fled the police in the pickup truck.<sup>4</sup> *Maryland v. Pringle*, 540 U.S. 366, 371 (2003); *see also People v. Johnson*, 14 Ill. App. 3d 254, 258 (1st Dist. 1973) (stating, “the sine qua non for a conviction” on a driving charge “is proof beyond a reasonable doubt that defendant had been driving the car at the time in question” (quoting *People v. Ammons*, 103 Ill. App. 2d 441, 445 (1st Dist. 1968)). But probable cause was lacking here. The police knew only that Williams was the registered owner of the red pickup truck. They did not see him in the car, fleeing the car, or near the car; indeed, the pursuing officer said on video that he knew only that the motorist was an African American man (and, thus, did not describe his age, build, or color of hair) and could not identify Williams as the driver. *Williams*, 2023 IL App (4th) 220481-U, at ¶10; (P.E. 1(a) at 0:01:20-1:24; P.E. 1(b) at 0:19:48). This is not surprising; after all, the police chase occurred at night when it was dark outside, and Officer Irving, who was a considerable distance behind the truck, would have seen only the back of the driver and from the

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<sup>4</sup> *See e.g.*, 625 ILCS 5/11-503(a)(1) (stating, “[a] person commits reckless driving if he or she drives any vehicle with a willful or wanton disregard for the safety of persons or property”); 625 ILCS 5/11-204 (stating, “[a]ny driver or operator of a motor vehicle who, having been given a visual or audible signal by a peace officer directing such driver or operator to bring his vehicle to a stop, wilfully fails or refuses to obey such direction, increases his speed, extinguishes his lights, or otherwise flees or attempts to elude the officer, is guilty of a Class A misdemeanor [i.e., fleeing or attempting to elude a peace officer]”; 625 ILCS 6/11-505 (stating, “[n]o person shall operate any motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such noise from the vehicle’s tires due to rapid acceleration or excessive speed around corners or other such reason”).

shoulders up. (R. 32, 36-37). Further, Williams exhibited no signs, such as shortness of breath or perspiration, to suggest that he had run from the truck moments earlier. (P.E. 1(b)). Finally, Williams told the police officer that his friend had borrowed the truck that night and that he had not driven it at the time in question. *Williams*, 2023 IL App (4th) 220481-U, at ¶10; (P.E.1(b) at 0:00:55-0:01:01). These additional facts might actually dispel reasonable suspicion. *Glover*, 140 S. Ct. at 1191. Regardless, because the police knew only that Williams was the owner of the red truck, they had, at most, reasonable suspicion to question him under *Glover*, but not probable cause to arrest him. The Illinois Appellate Court’s holding, therefore, contravenes *Glover*’s “narrow” holding. *Id.*

**II. Lower Courts Are Confused and Divided over Whether, and in What Circumstances, *Glover*’s Owner-Driver Inference May Provide Probable Cause to Arrest a Vehicle’s Registered Owner.**

Most of the cases applying *Glover* involve traffic stops. In that context, there is little debate over *Glover*’s import. *See e.g., Commonwealth v. Jefferson*, 256 A.3d 1242, 1250-51 (Pa. Sup. 2021) (discussing *Glover* and correctly holding that the *Glover* inference provides reasonable suspicion to permit a *Terry* stop assuming the police have reason to believe that the registered owner is involved in criminal conduct). The gray area concerns cases like the instant one, where the police have reason to believe a car was involved in a crime (fleeing the police, leaving the scene of a crime or accident, etc.) and the unidentified driver got away. In that context, does *Glover*’s owner-driver inference give the police probable cause to believe that car’s registered owner was the offending motorist? Lower courts are divided on that question.

Like the Illinois Appellate Court in *Williams*, the Court of Appeals of Wisconsin similarly concluded that *Glover*'s inference provides probable cause to arrest a car's registered owner at any time. *State v. Young*, 953, N.W.2d 100 (Wisc. App. 2020), *petition for review denied by State v. Young*, 986 N.W.2d 551 (table), 2022 Wi 84. In *Young*, police officers observed a white sports utility vehicle (SUV) engage in a suspected drug transaction. *Id.* at ¶¶4-5. Officers pursued the SUV, but lost sight of it. *Id.* at ¶7. Roughly ten minutes later, an officer observed the SUV, ran the license plate, determined John Young was its registered owner, stopped the SUV, and arrested Young for various drug offenses, including possession with intent to deliver. *Id.* at ¶¶2, 7-9. Young argued that the police lacked probable cause to arrest him, but the Court of Appeals of Wisconsin disagreed. *Id.* at ¶¶12, 21, 27. The court held that, under *Glover*, the police had probable cause to believe that Young was the driver of the SUV who engaged in a suspected drug transaction. *Id.* at ¶¶20-21. The court explained:

As the United State Supreme Court recently recognized, it is “commonsense” to infer that a vehicle’s registered owner is its driver. *Kansas v. Glover*, 140 S. Ct. 1183, 1188 (2020). In fact, this inference is reasonable even when the vehicle’s registered owner has a revoked license. *Id.* Thus, in this case – where there was no indication that Young had a revoked license or that he otherwise was not driving the white SUV at that time – it was certainly reasonable for the officers to infer that Young, as its registered owner, was the individual driving it.

*Id.* at ¶21.

In contrast to the Illinois Appellate Court and the Wisconsin Court of Appeals, the Sixth Circuit Court of Appeals, Superior Court of Pennsylvania, the Middle District of North Carolina, and the Superior Court of Pennsylvania, the three other courts to address the issue presented, reached a contrary conclusion and



found that *Glover*'s owner-driver inference alone does not constitute probable cause to arrest a car's owner at any time. *Caskey v. Fenton*, No. 22-3100, 2022 WL 16964963, at \*1, 5-6 (6th Cir., Nov. 16, 2022); *Pennsylvania v. Hutchinson*, 2023 WL 8453141 at \*6 (Pa. Super. Ct. 2023); *Groce v. Jackson*, 2022 WL 3645906, \*13-14 (M.D.N.C. 2022).

In *Caskey v. Fenton*, No. 22-3100, 2022 WL 16964963, at \*1, 5-6 (6th Cir., Nov. 16, 2022), the police unsuccessfully attempted to pull over a Nissan Ultima after observing it make a traffic violation. *Caskey*, 2022 WL 16964963, at \*1 (6th Cir., Nov. 16, 2022). The officers claimed to have seen an older Caucasian male, with short hair and a medium build, behind the wheel. *Id.* After losing the car and ending the pursuit, the police looked up the car's information, found out it was registered to Terry Caskey, looked up his driver's license picture, determined that he was the driver they earlier saw fleeing from them, and arrested him a few weeks later. *Id.* at \*1-2. Caskey denied driving the car during the pursuit; he said his roommate had borrowed the car and argued that the police could not have sufficiently seen the driver because the alleged chase occurred at night. *Id.* at \*1. The charges against Caskey were ultimately dropped and he filed a 42 U.S.C. §1983 lawsuit, raising claims of malicious prosecution and seizure without probable cause. *Id.* at \*1-2. The Sixth Circuit Court of Appeals concluded that the police lacked probable cause to believe that Caskey was the driver who fled the police. *Id.* at \*5-8. In so holding, the court analyzed *Glover* and determined that the owner-driver inference amounts to reasonable suspicion only, not probable cause. *Id.* The court found incredible the officers' claim that they saw the driver and could identify him

as Caskey. *Id.* Without more, the police knew only that Caskey was the Nissan's registered owner. *Id.* The Sixth Circuit Court of Appeals held that, under *Glover*, this simple fact was insufficient to justify Caskey's warrantless arrest. *Id.*

The Pennsylvania Superior Court reached a similar conclusion in *Pennsylvania v. Hutchinson*, 2023 WL 8453141 at \*6 (Pa. Super. Ct. 2023). In *Hutchinson*, police officers pursued a blue Honda Accord for having tinted windows but the car fled at a high rate of speed when the officer activated the squad car's lights and sirens. *Id.* at \*2. The pursuing officers lost sight of the car and did not see the driver, but radioed other officers about the chase and gave them a description of the wanted vehicle. *Id.* The pursuing officers also looked up the car's registration, and learned that it was registered to the defendant. *Id.* Another officer located the Honda Accord parked in the vicinity of the police pursuit, and saw the defendant quickly walking away from the vehicle. *Id.* at \*3. When that officer announced his presence, the defendant fled on foot. *Id.* at \*4. While the defendant was running, a gun fell from his waistband and he was later apprehended. *Id.* The defendant argued that the police lacked reasonable suspicion to stop him. *Id.* at \*2. Relying on *Glover*, the Pennsylvania Superior Court held that the police had reasonable suspicion to believe that the defendant was the motorist who fled the officers in the blue Honda Accord because he owned the Honda. *Id.* at \*6. This, coupled with the fact that the defendant was nearby the parked vehicle and quickly walked away from it, gave the officer reasonable suspicion to stop the defendant to further investigate. *Id.*

Finally, in *Groce v. Jackson*, 2022 WL 3645906 (N.C. 2022), the United

States District Court of North Carolina interpreted *Glover*'s owner-driver inference to provide "more than reasonable suspicion," but ultimately concluded that it alone fell short of probable cause. *Groce v. Jackson*, 2022 WL 3645906 (M.D.N.C. 2022), at \*13-14. Specifically, in *Groce*, the plaintiff (Gregory Groce) sold his Honda Accord to Anthony Cecil. *Groce*, 2022 WL 3645906 at \*1. But before transferring title, Anthony's brother, James, drove the Honda to a gas station, where he stole some items. *Id.* The store's manager notified the police, who observed the surveillance footage depicting James stealing some items. *Id.* at \*2. The manager also gave the police the license plate of the Honda in which James drove away from the gas station. *Id.* The police officer looked up the car's registration, learned that it was registered to Groce, and accessed Groce's driver license photograph. *Id.* The officer compared Groce's photograph to the surveillance video, determined he was the offender, and arrested him. *Id.*

Groce filed a civil lawsuit for malicious prosecution and negligent infliction of emotional distress, as well as a section 1983 lawsuit. *Id.* at \*1, 2. The court dismissed the lawsuit, finding that the police had probable cause to arrest the owner. Relying on *Glover*, the court held that the officer had more than reasonable suspicion based on the owner-driver inference, but went on to find that the owner-driver inference, coupled with the fact that the owner looked similar to the offender, gave the police probable cause to arrest the owner. *Id.* at \*13-14. Therefore, according to the Middle District of North Carolina in *Groce*, the owner-driver inference alone does not constitute probable cause; *Groce* required an additional fact, *i.e.* a resemblance between the owner and motorist, to justify the warrantless

arrest of the car's owner.

As these five cases demonstrate, the lower courts are inconsistently applying *Glover*. Does *Glover*'s owner-driver inference alone constitute probable cause to believe that a car's owner was the motorist at the time in question, as the Illinois Appellate Court and Wisconsin Court of Appeals held? Does *Glover*'s owner-driver inference provide "more than reasonable suspicion" but less than probable cause, as the United States District Court of North Carolina held? Or, does *Glover*'s owner-driver inference amount to reasonable suspicion only, as the Sixth Circuit Court of Appeals and the Pennsylvania Superior Court found?

### **III. This Court's Resolution of *Glover*'s Scope Would be Profoundly Consequential.**

The issue raised in this case is nationally important. Lower courts are routinely tasked with deciding the legality of warrantless arrests. People commonly borrow each other's cars; a roommate drives his roommate's car, a friend drives his friend's car, a babysitter drives his boss's car, a brother drives his brother's car, etc., so it is not inconceivable to imagine a scenario where someone other than the car's registered owner is driving. But under the Illinois Appellate Court's holding, a car's owner can be arrested at any time for a crime committed by someone driving his car simply because of his status as the car's owner.

This is not the result *Glover* intended. *Glover*'s holding is based on the reasonable-suspicion standard, and this Court stressed its "narrow" scope. *Glover*, 140 S. Ct. at 1188-89, 1191. Moreover, the majority's criticism of the dissent in *Glover* – that it "would considerably narrow the daylight between the showing required for probable cause and the 'less stringent' showing required for reasonable

suspicion” – only confirms that *Glover* did not intend to stretch its holding to probable cause. *Glover*, 140 S. Ct. at 1190.

Nor is the appellate court’s decision permitted by the Fourth Amendment. As this Court in *Glover* reiterated, reasonable suspicion is a less-demanding standard than probable cause. *Glover*, 140 S. Ct. at 1188. And for good reason. A *Terry* stop is temporary and may last no more than is necessary to effectuate the purpose of the stop. *Florida v. Royer*, 460 U.S. 491, 500 (1983). Also, investigative methods taken during a *Terry* stop must be the least intrusive means reasonably available to verify or dispel the officer’s suspicion. *Id.* Therefore, a *Terry* stop is only a minor infringement on one’s personal liberty. An arrest, in contrast, is a more significant seizure. When a person is arrested, he is handcuffed, searched, and transported to a police station, where he is fingerprinted and detained. Records of the arrest are generated and stored, and publicly available. Stigma inevitably attaches. So, the difference between reasonable suspicion and probable cause is not trivial; it means the difference between a temporary investigative stop and a full-blown arrest. Probable cause, not reasonable suspicion, is essential to a legal arrest. *Devenpeck v. Alford*, 543 U.S. 146, 152 (2004); *Ornelas v. United States*, 517 U.S. 690, 696 (1996). While it might be reasonable for a police officer to stop a vehicle to investigate further the identity of a driver, it is not reasonable for an officer to arrest a car’s owner without investigating whether he was the offending motorist.

A meaningful enforcement of the Fourth Amendment’s command against unreasonable searches and seizures requires that *Glover*’s scope remain a “narrow” one. U. S. Const. Amend. IV; *Glover*, 140 S. Ct. at 1191. Without corrective action

from this Court, lower courts will continue to inconsistently apply *Glover*, with some interpreting *Glover* “narrow[ly]” and others expanding it to allow warrantless arrests to be based on mere suspicion, as the Illinois Appellate Court and Wisconsin Court of Appeals did, in violation of *Glover* and this Court’s precedent that probable cause be “particularized with respect to that person” to be arrested. *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979); *Maryland v. Pringle*, 540 U.S. 366, 371 (2003); U.S. Const. Amend. IV. Therefore, review is warranted.

**IV. This Petition Provides the Ideal Opportunity for This Court to Address This Significant Question of Fourth Amendment Jurisprudence and to Clarify the Law.**

This case is an ideal vehicle for addressing whether *Glover*’s owner-driver inference can alone give rise to probable cause to arrest a vehicle’s registered owner at any time for an offense involving the owner’s vehicle. The legal issue presented was preserved in the circuit court and the issue is clearly presented in the Illinois Appellate Court’s decision. Further, the question is outcome determinative. If this Court finds that the police lacked probable cause to arrest Williams, then the drugs seized from him must be suppressed and his conviction vacated. *Wong Sun v. United States*, 371 U.S. 471, 485-88 (1963) (stating that the remedy for an unlawful arrest is the suppression of the evidence obtained as a result of the arrest).

## CONCLUSION

For the foregoing reasons, petitioner, LaDerrius Williams, respectfully prays that a writ of certiorari issue to review the judgment of the Illinois Appellate Court.

Respectfully submitted,



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