IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
GRUNDY COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff, -vs- JAMIE A. HAGE, Defendant.	)	Case No: 2024 CF 307

ORDER GRANTING DEFENDANT'S MOTION TO SUPPRESS

THIS MATTER, having come before the Court for an evidentiary hearing on Defendant's written Motion to Suppress on June 10, 2025, the Court having considered testimony of the sole witness, Morris Police Officer Tyler Mayerhofer, the Court also having considered exhibits at hearing, arguments of counsel and case law submitted by both parties;

THE COURT HEREBY FINDS AS FOLLOWS;

BACKGROUND

This matter arises out of a traffic accident that occurred on September 18, 2024, in the downtown commercial district of the City of Morris, Illinois. The accident ultimately claimed the life of Christian E. Lee (the decedent). The Defendant was not written any citations on the date of the accident, however, she was later indicted on November 6, 2024, as follows:

- Count I – Aggravated DUI alleging a violation of 725 ILCS 5/11-501(a)(7) and (d)1)(F) and (d)(2)(G) (Class 2 felony);
- Count II - DUI pursuant to 725 ILCS 5/11-501(a)(7) and (d)(2)(F) (Class 4 felony).

On May 22, 2025, Defendant filed a Motion to Suppress the results of the blood and urine samples taken from the Defendant on September 18, 2024, at the Morris Hospital. Defendant argues in her motion and at hearing that the police lacked probable cause for the blood and urine samples.

Additionally, Defendant argued that she did not consent to the blood or urine sample, and that the police did not inform her that she had a right to refuse any such testing.

Lastly, Defendant argues that in the event the Court finds that the Defendant did consent, that any such consent was not made voluntarily.

For purposes of clarification, Defendant's Motion to Suppress was filed in the criminal felony case only. No issues have been raised as to any statutory summary suspension despite a Warning to Motorist having been read to the Defendant at the Hospital and was offered into evidence at hearing. The Court will discuss the facts and law below.

Any references to video time-stamps will be to central standard time as indicated on the officer's body-worn camera.

The parties stipulated at hearing that no warrant was sought or issued for the blood/urine draw.

EVIDENTIARY HEARING

On June 10, 2025, an evidentiary hearing was held and concluded. Audio and video of the hearing was recorded electronically through the Court's electronic recording system. One officer testified for the State, Morris Police Officer Tyler Mayerhofer. Officer Mayerhofer was wearing a body camera on the day of the accident, which was admitted into evidence by stipulation.

Officer Mayerhofer testified that he was dispatched to a car/pedestrian accident on Jackson Street near Franklin Street and arrived at the scene at approximately 3:08 p.m. The accident occurred during daylight hours. The weather was clear and sunny as depicted on the officer's body camera. Jackson Street, at the area of the accident, was flat and level with no turns and the pavement was dry.

Upon arrival at the scene, Officer Mayerhofer observed an unconscious female lying in the intersection of Franklin and Jackson Streets. Officer Mayerhofer identified witnesses to the collision and began taking statements and conducting an investigation.

He spoke with the Defendant who told him that the decedent was a passenger in a pickup truck that dropped her off in front of Tire Tracks while facing west on Jackson Street. The Defendant saw the decedent exit the passenger side of the truck, but believed that the decedent was going to walk north to a public sidewalk. Instead, witnesses stated that the decedent walked behind the "tall" pick up truck to cross the street and stepped in front of the vehicle driven by the Defendant. The Defendant said she looked down momentarily and as she looked up, the decedent was in front of her vehicle and was struck.

An employee of Tire Tracks, Patrick Racine, witnessed the entire event from behind the counter inside of the Tire Tracks business. He informed Officer Mayerhofer that the decedent stepped in front of the Defendant's vehicle and was immediately struck. Mr. Racine stated there was no indication that the Defendant was speeding, nor was there any evidence that the Defendant applied her brakes prior to the collision.

The driver of the pickup truck, Toddy Williams, informed Officer Mayerhofer that the decedent exited his vehicle, which was stopped facing west on Jackson Street. The decedent walked to the rear of the truck along the passenger side, where she then walked behind the truck into the oncoming (eastbound) lane of traffic. Officer Mayerhofer believed that Toddy should not have parked where he did, and referenced a "blind spot" where the decedent stepped into the eastbound lane of travel. Officer Mayerhofer described the decedent's

actions on his body camera as having "jaywalked." Officer Mayerhofer also indicated on his body camera that "there was nothing the Defendant could do," and discussed the accident with Officer Bell who indicated that the accident was "not her (Hage's) fault." Officer Mayerhofer remarked on several occasions that the decedent stepped into oncoming traffic from a "blind spot" – apparently referring to the bed and tailgate of the large pickup truck she had just exited.

Other Morris police officers provided Officer Mayerhofer with guidance. Officer Mayerhofer testified honestly and candidly that this was his first aggravated DUI arrest[1], and he agreed that he sought assistance from other Morris police officers. The Court notes that the evidence indicated that at least 6 Morris Police Officers were involved with the investigation. There was no evidence at hearing that any other agency was called for assistance or guidance (such as the Illinois State Police or Grundy County Sheriff's Office).

Through his communications with other officers, Officer Mayerhofer believed that the Defendant must be transported to the Morris Hospital and that she must provide a blood and urine sample. Officer Mayerhofer testified rather forthright that his understanding was that the Defendant would be transported to the hospital for medical blood, not legal blood. Officer Mayerhofer testified that he informed the Defendant that she was required to be transported to the hospital and that she must provide a blood and urine sample. At that time, the Defendant was not advised she had a right to refuse any such tests.

After being on the scene for over 15 minutes and having had several discussions with other officers and the Defendant and having had the opportunity to observe Defendant's demeanor, Officer Mayerhofer testified that he did not suspect that the Defendant was impaired.

Notwithstanding the absence of any such observations of impairment, Officer Mayerhofer placed the Defendant in the rear of his patrol vehicle without handcuffs at 3:32 p.m., and transported her to the Morris Hospital. Before being transported, there was no testimony about facts pertaining to probable cause, nor were there any type of field sobriety tests requested of the Defendant. At this point, the only information the officer had as to possible impairment was an admission of the Defendant that she had consumed a "couple hits" of cannabis between 9-10 a.m. that morning - 6 to 7 hours prior to the accident.

No testimony was presented to the Court to suggest that any of the (at least) 6 officers detected any odor of cannabis emanating from Defendant's vehicle or person, and no cannabis was found in Defendant's vehicle or on her person. The evidence was clear that the Defendant understood the interaction and communications with Officer Mayerhofer, and that Officer Mayerhofer understood all communications with the Defendant.

All of the questions asked of the Defendant on the scene were timely answered, were responsive to the questions asked and there was no officer testimony of any slurred or mumbled speech, bloodshot or glassy eyes or any other unusual actions or emotions that would suggest impairment (nor were any such observations made from the body camera video).

Officer Mayerhofer and the Defendant arrived at the hospital at 3:37 p.m. Thereafter, Officer Mayerhofer spoke with an unidentified female nurse that asked for a copy of a citation. No citation had been written at this point. This conversation is depicted on Officer Mayerhofer's

[1] Involving a legal blood and urine draw (as opposed to medical blood).

body camera. The nurse advised the officer "when you get a citation, I need a copy." She then turned and walked away.

Officer Mayerhofer had several conversations with other officers at the hospital. One such conversation took place with Officer Bell. Officer Mayerhofer testified that he and Officer Bell struggled to figure out what citation to write the Defendant. During their discussions, it was noted that the decedent stepped in front of the Defendant from a "blind spot," and that the cause of the accident was not Defendant's fault.

At 4:01, Officer Mayerhofer and Officer Bell had a discussion captured on video as follows:

Mayerhofer: "So this is going to be a DUI?"

Bell: "I don't know. I have no idea."

Officer Bell went on to explain that, based on the Warning to Motorist, only a traffic citation needs to be issued. There was no discussion regarding probable cause as to a DUI or as to any traffic citation then or at any point during Officer Mayerhofer's body camera video. Eventually, it was decided to write the Defendant for failure to reduce speed to avoid an accident. Officer Mayerhofer returned to his patrol car to retrieve his ticket book at 4:03 p.m.

Upon his return into the hospital, Officer Mayerhofer approached the Defendant and showed her a blank citation - apparently pointing to that section of the citation that refers to failure to reduce speed to avoid an accident. Below is an image from Officer Mayerhofer's body camera at 4:09:49 as he was approaching the Defendant with the citation, just seconds before showing her the blank citation indicating he would be citing her for failure to reduce speed to avoid an accident. The image clearly depicts that no portion of the citation had been written at this point.

Officer Bell was captured by audio/video having a discussion with hospital staff indicating at 4:19 p.m. that the Defendant was "not under arrest, but not free to go right now." Blood and urine were collected from the Defendant at 4:27 p.m.

However, shortly thereafter at about 4:38 p.m., Officer Mayerhofer spoke with Officer Pampinella by cell phone. Both sides of the conversation were captured on their respective body cameras and played for the Court at hearing. At the conclusion of this conversation, the blank ticket that Officer Mayerhofer had previously shown the Defendant was voided. It is unclear if the citation was ever completed. The Defendant was never served with this citation or any citation(s) on the day of the accident, September 18, 2024.

After voiding the single citation for apparently failing to reduce speed to avoid an accident, Officer Mayerhofer informed the Defendant at 4:43 p.m. that "I'm not going to give you a ticket based on what's going on, so I'm going to void the ticket out."

At the conclusion of Officer Mayerhofer's testimony, he testified that, although he was seeking assistance from other officers, his fellow officers were not providing him with much support. He also testified that after being with the Defendant for several hours, including after the blood/urine draw, that he did not believe that she was under the influence of cannabis (or anything) and that there was nothing the Defendant could have done, based on witness statements, to avoid striking the decedent. Officer Mayerhofer repeatedly indicated that the decedent stepped into the eastbound lane of traffic in front of Defendant's vehicle from a "blind spot," and that there was nothing the Defendant could have done to avoid the accident.

Defendant argued at the close of hearing that there were no facts to support probable cause for blood/urine draw, and that the Defendant did not consent to the blood/urine draw, and that if the Court were to find consent, that consent was not given voluntarily.

The State argued that there was probable cause consisting of an "unexplained accident." The State further suggests that Officer Mayerhofer was justified in demanding the blood/urine samples arguing the officer's actions were authorized by 725 ILCS 5/11-501.6. This section of the vehicle code, according to the State, provides authority for police to demand blood/ urine samples of a driver involved in a traffic accident involving death or great bodily harm.

Lastly, the State argued that the Defendant consented to being transported to the hospital and further consented to providing blood and urine samples.

The basis for the State's argument as to consent was that the Officer kept asking the Defendant, "ok?" as he completed his sentences, suggesting that the Defendant either acquiesced or consented, even though at times she said nothing. The Court finds that the communications of Officer Mayerhofer throughout his body camera video shows a consistent language pattern in which he finishes his sentences with the word, "ok" as a final question to a sentence or statement. As set forth in the legal analysis below, the State's arguments are unpersuasive.

MOTION TO SUPPRESS STANDARD

Pursuant to appellate authority interpreting *725 ILCS 5/114-12*, the defendant bears the initial burden of production of evidence to establish unlawfulness as a *prima facie* matter. *People v. Statham, 209 Ill. App. 3d 352, 362 (1st Dist. 1991).* A *prima facie* showing means Defendant

must provide some evidence to establish (1) there was a search and/or seizure; and (2) the arrest was not supported by probable cause. *People v. Berg, 67 Ill. 2d 65, 68 (1977)*. If a prima facie case is made, the burden of production shifts to the State to demonstrate legal justification. *Id.* The defendant bears the ultimate burden of proof on the unlawfulness of the search and/or seizure. *725 ILCS 5/114-12(b); People v. Cregan, 2014 Ill. 113600, ¶ 23.*

CONSTITUTIONAL AUTHORITY

Both the United States Constitution and the Illinois Constitution prohibit unreasonable searches and seizures by police. *U.S. Const., amend IV; Ill Const. 1970, art. I § 6.*

The Fourth Amendment to the U.S. Constitution protects the "right of the people to be secure in their persons, houses, papers, and effects, against *unreasonable* searches and seizures." (emphasis added).

Likewise, Section 6 of the Illinois Constitution Bill of Rights indicates that "[t]he people shall have the right to be secure in their persons, ... against *unreasonable* searches, seizures . . . ." *Ill Const. 1970, art. I § 6.*

As the Illinois Supreme Court explained in *People v. Caballes, 221 Ill. 2d 282, 304-14 (2006),* "this court has adopted a 'limited lockstep' approach to interpreting the Illinois search and seizure clause. This approach recognizes that the drafters of the 1970 constitution and the delegates to the constitutional convention intended the phrase 'search and seizure' in Article I, Section 6, of the Illinois constitution to mean, in general, what the same phrase means in the federal constitution." *Id. at 314.*

Moreover, the requirement of probable cause for police to arrest a subject and further intrusively search or seize one's person is a cornerstone principal of the Bill of Rights. Unreasonable searches and seizures have been prohibited under the Fourth Amendment since its ratification in 1791, and as later applied to the States through the Due Process Clause of the 14th Amendment in *Wolf v. Colorado*, 338 U.S. 25 (1949) (also see, *Mapp v. Ohio*, 367 U.S 643 (1961)).

LEGAL ANALYSIS

Defendant relies primarily on *People v. Hayes*, 2018 IL App (5th) 140223 in support of her arguments. The facts in *Hayes* are substantially similar to the facts in this case.

In *Hayes*, the defendant was driving home from a store with his two children. One of the children attempted to hand the defendant a piece of candy to unwrap for him. The defendant looked back momentarily, and as he did, he struck and killed a 7 year old child. The defendant did not see the child beforehand, and witness statements indicated that the child rode his bicycle between two parked cars onto the roadway and that the defendant could not have done anything to avoid the accident. *Id.*¶2. The local police chief drove the defendant to the hospital requiring the defendant to submit to blood/urine samples. No traffic citation had been served upon the defendant and the officer did not read the warning to motorist before ordering that samples be drawn.

The Illinois State police were called in to assist in the investigation. Trooper Thomann testified that he was trained in detecting impaired drivers and that he did not notice anything about the defendant that would suggest he was impaired. Trooper Thomann testified that "the child had just ridden out in the street…and shot out in the middle of the street, and then [the defendant] struck him." *Id.* ¶*9*.

In an unusual finding, the trial court held that "that there was no evidence that the defendant either objected to the testing or gave verbal consent to the testing." With little explanation, trial court concluded the testing was consensual.

The case went on appeal before the Fifth District Court of Appeals. The issues presented were whether the results of the drug tests should have been excluded because they were obtained in violation of the Fourth Amendment, and whether the defendant consented to the testing. The appellate court concluded that, based on the facts of the case, the warrantless blood/urine draw lacked probable cause, and that no exigent circumstances existed to substantiate the search. *Id.* ¶*27*.

Additionally, the appellate court held that the facts at hearing did not support the State's argument that the defendant consented to the tests. *Id.* ¶*33*. The court held that consent to a search is the waiver of a constitutional right, and as such, a defendant's intent to surrender this valuable constitutional right "should be unmistakably clear." *Id.* ¶*34*.

The appellate court went one step further holding that, even where consent is proven to be unmistakably clear, the consent is not valid unless it is given voluntarily. *Id.* ¶*36*. The *Hayes* court notes that other courts have found that consent was not voluntary because police falsely (or as in this case unknowingly) represented that they had the authority to conduct the search with or without consent. *Id.* The *Hayes* court relied upon the U.S Supreme Court holding in *Bumper v. North Carolina*, 391 U.S. 543 (1968), which held that officers' representations suggesting a person has no right to resist a search may constitute coercion. *Id.* ¶*36* (citing *Bumper*; 391 U.S. at 550). The *Hayes* court concluded that any consent of the defendant was not voluntary. *Id.*

The *Hayes* Court also discussed the implied consent statute found at 725 ILCS 5/11-501.6. The court noted that 501-1.6(a) indicates that any "motorist shall be deemed to have given consent" to drug testing if the motorist is "arrested as evidenced by the issuance of a Uniform Traffic Ticket for any violation of the Illinois Vehicle Code…" (with the exception of equipment violations). The appellate court held that because the officer lacked probable cause and because a citation had not been served on the defendant prior to the blood/urine draw, the blood/urine draw violated the Fourth Amendment. *Id.* ¶*57*.

The State in this case also relied on *People v. Hayes,* but only to the extent it relied on *People v. Wozniak* for its holding. The State argued that *Wozniack*, as a Third District case, was binding authority on this Court.

In *People v. Wozniack,* the Third District Court of Appeals considered a Motion to Suppress in a criminal DUI case. Similar to the facts of the case at bar, the provisions of the implied consent statutes were not at issue – only the criminal analysis related to the defendant's criminal DUI case. The *Wozniak* court noted that there are "substantive differences between civil implied consent proceedings and a criminal DUI prosecution." *Id.* The *Hayes* Court interpreted the holding in *Wozniak* concluding that the admission of test results in a DUI criminal case "is subject to the Fourth Amendment constraints." *Wozniak,* 199 Ill. App. 3d at

1091. This Court fails to see how *Wozniak* supports the State's position in this case, as the Fourth Amendment clearly applies to all searches and all seizures and requires probable cause for the arrest and chemical testing of the Defendant herein. It is significant to note that "any compelled intrusion into the human body implicates significant and constitutionally protected interests. *Missouri v. McNeeley*, 569 U.S. 141 (2013).

The State also relies upon 725 ILCS 5/11-501.6 arguing that a citation was written to the Defendant before blood/urine were drawn, and that the writing of this citation is a sufficient basis to admit the test results into evidence. This argument, however, completely ignores the Fourth Amendment implications - namely, probable cause. It also completely ignores the fact that Officer Mayerhofer showed the Defendant a completely blank citation, failed to serve any citation on the Defendant on the date of accident and unilaterally voided the single citation he may (or may not) have completed, all within approximately within 33 minutes.

Although appellate courts have struggled with what it means to "issue" a ticket in connection with when and whether a defendant was in "custody" for purposes of a statutory summary suspension, here Officer Mayerhofer read the Warning to Motorist to the Defendant at 3:52 p.m. before the blood/urine samples were taken upon his order. He prefaced the reading of the Warning to Motorist with the statement: "you're not going to understand half of it."

The Warning to Motorist form admitted at hearing appears to have initially indicated "N/A" in the "citation number" box on the form. The "N/A" indication appears to have been erased (or whited-out) to a limited extent with a traffic ticket number written over the top of the "N/A" indicating ticket number 63444. Ticket number 63444 is dated October 30, 2024 and was filed with the Grundy County Circuit Clerk on October 31, 2024, as case number 2024 TR 1930. This was obviously not the ticket the Defendant was "issued" on September 18, 2024. Officer Mayerhofer confirmed this with his testimony indicating that the ticket that was originally written on September 18, 2024, which was relied on by the hospital staff to take the blood/urine draw upon the officer's order, was later voided that same day after Officer Mayerhofer spoke with Officer Pampinella.

Moreover, no Warning to Motorist (or any Warning to Motorist) was ever filed with the Circuit Clerk. Likewise, the Defendant was never served with a Law Enforcement Officer's Sworn Report, nor was a Sworn Report filed with the Circuit Clerk. The absence of these filings were discovered in real-time during the evidentiary hearing that took place on June 10, 2025. It surprised everybody in the courtroom. Officer Mayerhofer was not able to explain the absence of the filing of these documents, which the Court notes is perfunctory and routine in DUI cases.

This type of testimony would normally be seriously troubling to the Court. However, Officer Mayerhofer testified candidly as to his lack of experience, lack of training and the difficulties he had receiving any meaningful guidance from his fellow officers or supervisor(s).[2]

The State's argument related to 11-501.6 necessarily implicates a brief discussion on the chemical testing section of the vehicle code, 725 ILCS 5/11-501.2. Section 11-501.2 makes clear that a person has the right to refuse any testing following a DUI arrest. 725 ILCS 511-501.2(c)(1). Evidence of any such refusal, however, "shall be admissible in any civil or criminal action or proceeding arising out of the acts alleged to have been committed while the person under the influence of alcohol . . .or drugs . . .was driving or in actual physical

[2] Officer Mayerhofer testified there was no Sergeant on duty on September 18, 2024.

control of a motor vehicle." *Id at (c)(1)*.

Section 11-501.2 continues indicating that "[n]otwithstanding the ability to refuse under this Code to submit to these tests or any ability to revoke the implied consent to these tests, ***if law enforcement has probable cause to believe that a motor vehicle driven by or in actual physical control of a person under the influence of alcohol . . . or drugs*** . . .or any combination thereof has caused the death or personal injury to another, the law enforcement officer shall request, and that person shall submit, upon the request of law enforcement, to chemical tests . . . for the purposes of determining the alcohol content thereof or the presence of any other drug or combination of both." 725 ILCS 5/11-501.2(c)(2).

The Court notes that 11-501.2 has an interesting history with an earlier version of the statute having been found unconstitutional on its face by the Illinois Supreme Court. *King v. Ryan*, 153 Ill.2d 449 (1992). The current version of the statute was recently found to be constitutional on its face, however in the same opinion, it was found to be unconstitutional as applied by the Illinois Supreme Court in *People v. Eubanks*, 2019 IL 123525. In a lengthy opinion, the Illinois Supreme Court suggested to the legislature that "they may wish to clarify" 11-501.2(c)(2) as it relates to whether, when or if exigent circumstances apply under this paragraph. As of the date of this Order, although the legislature has amended 11-501.2 on 2 occasions since *Eubanks* was decided, it has declined the Supreme Court's invitation to address and clarify the issues outlined in the *Eubanks* opinion.

PROBABLE CAUSE FOR BLOOD & URINE DRAW

The United States Supreme Court has held that the collection of blood from a person is an invasive procedure involving a heightened level of privacy. *Missouri v. McNeely,* 569 U.S. 141 (2013)(also see *Birchfield v. North Dakota,* 579 U.S. 438 (2016).

Despite the testimony regarding the Warning to Motorist and the provisions of the Statutory Summary Suspension statutes, the Court will keep its analysis confined to the issue raised in defendant motion. The only issue before the Court is whether Officer Mayerhofer had probable cause under the Fourth Amendment in the criminal DUI case to believe that the Defendant was impaired sufficient to seize the Defendant's person and to order the search of the Defendant's blood.

The Court agrees with the parties that *Wozniak* is binding authority on this Court, and the Court relies on the holding recognizing the Defendant's Motion to Suppress only relates to the criminal DUI case. The holding in *Wozniak* required probable cause before a defendant is seized or subjected to chemical testing.

By Officer Mayerhofer's own testimony that he did not believe the Defendant was impaired, and the absence of facts to support probable cause, the answer is easily answered and the Court finds that there was no probable cause for the seizure of the blood/urine draw.

To follow the State's logic would completely eviscerate the probable cause requirement of both the Fourth Amendment and 11-501.2 of the Illinois Vehicle Code.

"NOT UNDER ARREST, BUT NOT FREE TO LEAVE RIGHT NOW"

Although it was clear at hearing the the Defendant was never informed that she was"arrested" for DUI, the State argued that the Defendant voluntarily drove to the hospital with officer Mayerhofer and thereafter consented to the blood/urine draw. This issue implicates the Fourth amendment related to whether the Defendant was free to leave, and whether her encounter with Officer Mayerhofer transitioned from a temporary detention into a full custodial seizure.

Under the Fourth Amendment, a seizure of one's person must be reasonable based on a totality of the circumstances. Whether a seizure is proper is considered objectively, looking at the facts available to the officer at the time of the seizure to determine if his actions were lawful. *People v. Moffitt,* 138 Ill. App.3d 106 (2nd Dist. 1985). For purposes of the Fourth Amendment, an individual is seized when an officer, by means of physical force or show of authority, has in some way restrained the liberty of a citizen. *People v. Torres*, 347 Ill.App.3d 252 (1st Dist. 2004).

A person is seized for purposes of the Fourth Amendment when the person's freedom of movement is restrained through: 1) threatening presence of several officers; 2) the display of a weapon by an officer; 3) some physical touching of the person; or 4) the use of language or tone of voice that compliance with the officer's request is compelled. *United States v. Mendenhall, 446 U.S. 544, 553 (1980));* These *Mendenhall* factors are not exhaustive, and a seizure can be found on the basis of other coercive police behavior similar to the *Mendenhall* factors. *People v. Luedemann*, 222 Ill.2d 530, 542 (2006).

Historically, the U.S. Supreme Court has held that a seizure occurs when a reasonable person would believe that he or she is not "free to leave." *Michigan v. Chesternut, 456 U.S. 567 (1988).* This test for the seizure of one's person was revisited by the U.S Supreme Court several years later in *Florida v. Bostick,* 501 U.S. 429 (1991). The Supreme Court in *Bostick* stated that, in determining when a police encounter ripens into a custodial encounter thereby requiring probable cause, the following standard applies:

> *the appropriate inquiry is whether a reasonable person would feel free to decline the officers' requests or otherwise terminate the encounter. Bostick, 501 U.S. at 436.*

The testimony and body camera video make clear that the Defendant was the subject of a criminal investigation involving great bodily harm (and the subsequent death) of a pedestrian by at lease 6 police officers, most of whom were armed and in uniform. Additionally, and perhaps most importantly, Defendant was informed and instructed without asking consent that she would accompany Officer Mayerhofer to the hospital where she would provide a blood and urine sample. The language used by Officer Mayerhofer was not optional, rather it was an order. The Court finds the officer Mayerhofer's tone of voice and required compliance of the Defendant to be exactly the type of language anticipated by the holding in *Mendenhall.*

Based on a totality of the circumstances and the reasonableness standard that guides all Fourth Amendment encounters, the Court finds that the Defendant was not free to leave and was not otherwise free to decline the officers' requests or terminate the encounter when she was placed in the patrol car and transported to the hospital. Alternatively, the Court finds that Defendant was certainly not free to leave when she was detained in the emergency room

while hospital staff inserted a needle into her body to draw blood while several police officers were congregated immediately outside the room that she was confined in.

As analyzed above, the Court finds that the Defendant's detention was transformed from a temporary *Terry*[3] type detention into a custodial detention without probable cause. This second seizure necessarily implicated the Fourth Amendment, which necessitates probable cause. In the absence of probable cause, Defendant' motion must be granted. Additionally, all fruits and evidence resulting therefrom as "tainted fruits of the poisonous tree" must also be suppressed and are, therefore, inadmissible at trial. *Wong Sun v United States*, 371 U.S. 471 (1963); *Weeks v. United States,* 232 U.S 383 (1914)

CONSENT TO BLOOD & URINE SAMPLE

Because the Court finds that the State has failed to produce a scintilla of evidence of probable cause for the Defendant's transition to a custodial arrest (second seizure) under the Fourth Amendment and because there was no probable cause for the blood/urine tests, it unnecessary to analyze the issue of consent associated with the blood and urine samples.

As set forth above, the Exclusionary Rule prohibits the admission of the test results at trial as "tainted fruits of the poisonous tree." *Wong Sun v United States*, 371 U.S. 471 (1963).

As a result, the Court declines further leal analysis on these issues.

CONCLUSION

Here, the Court finds that the Defendant met her burden, and that the State has failed to rebut with any legal justification establishing probable cause for the custodial detention of the Defendant or probable cause for the Defendant's blood/urine draw.

The Court adopts the reasoning and holding in *People v. Hayes*, supra, based on the substantial similarities of facts, and the Court finds that the *Hayes* opinion is controlling precedent and not inconsistent with the holding in *Wozniak.* In following the precedent established by the *Hayes* court, Defendant's motion must be granted for the reasons set forth herein.

In short, the officers in this case failed to follow clearly established U.S. Supreme Court legal precedent related to the detention, arrest and chemical testing of a person suspected of driving impaired. The exclusionary rule as set forth in *Mapp v. Ohio,* supra, requires that the blood and urine samples ordered by the arresting officer be suppressed as they were ordered in violation of the Fourth Amendment to the U.S Constitution.

Lastly, the Court further finds that the good-faith exception to the exclusionary rule as pronounced in *Illinois v. Krull*, 80 U.S. 340 (1977), has no application to these facts, nor does the holding in *Heien v. North Carolina,* 574 U.S. 54 (2014) apply to the officer's mistake of law.

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[3] Terry v. Ohio, 392 U.S. 1 (1968)

IT IS, THEREFORE, ORDERED AS FOLLOWS:

A. Defendant's Motion to Suppress is GRANTED.

B. All test results of the blood and urine draw taken from the Defendant on September 18, 2024, are inadmissible at trial.

C. Status date of September 4, 2025 at 9:30 a.m. is stricken.

D. The parties are ordered to notice this matter before the Court for further proceedings consistent with this Order.

E. State to notify victim representative of this order and such future court date(s).

DATED this 1st day of July, 2025.

Scott Belt

Scott M. Belt,
Circuit Judge