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Objects under the rearview mirror may be more of a material obstruction than they appear

By Rob Shumaker

Objects dangling from the rearview mirror may justify a traffic stop but only if they constitute a material obstruction. The author addresses the case law on this issue and offers practice tips to determine whether an object materially obstructs a driver's view of the road.

With the increased awareness regarding the dangers of distracted driving caused by cell phones and other technological gadgets, some drivers neglect to see the distraction right before their very eyes. Across the country, defendants are routinely pulled over by the police for having an object hanging from their rearview mirror—an air freshener,[1] a strand of beads,[2] a miniature pair of boxing gloves.[3] The officer's investigation of this Vehicle Code violation often leads to the discovery of more serious offenses under the Criminal Code. Accordingly, the issue as to whether the object constitutes a "material obstruction" is a frequent topic in motions to suppress, and the outcome can oftentimes be a roll of the fuzzy dice for all involved.

This article addresses the Illinois material-obstruction statute, the cases interpreting the

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Case note

Defendant entitled to withdraw guilty plea when plea conditions were based on erroneous advice of counsel that defendant was not eligible to participate in Veteran's Court Program

In *People v. McKinney*, 2012 IL App (1st) 103364, Defendant pled guilty to burglary based on the erroneous advice of counsel. Defendant was advised that he was ineligible for participation in a veterans court program simply because he was not eligible for probation. As it turned out, he was, in fact, eligible for the program. (Although Defendant pled guilty to burglary, a probationable Class 2 felony, he was sentenced as a Class X offender due to his prior convictions, and therefore was not eligible for probation. Thus, even though the crime of which he was convicted remained a Class 2 felony, he was not eligible for probation as a Class X offender, despite having committed a probationary offense.) The issue before the appellate court was whether Defendant was entitled to withdraw his plea and pursue his request for admission to the program.

The pertinent facts of the case were as follows: Defendant was charged with burglary for allegedly entering a building in Chicago with the intent to commit a theft therein. Prior to trial, defense counsel requested, and the trial court conducted, a plea agreement conference under Illinois Supreme Court Rule 402, during which the State asserted that if it proceeded to trial, the evidence would show that Defendant broke the window of a convenience store, entered the building, and stole the cash register located therein. Following the Rule 402 conference, the trial court informed Defendant that it would sen-

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statute, the legislative approaches utilized by other states, and several practice tips that can be used to more accurately determine whether an object constitutes a material obstruction.

A. The Material-Obstruction Statute and Case Law

The material-obstruction offense in the Illinois Vehicle Code reads, in part, as follows: "No person shall drive a motor vehicle with any objects placed or suspended between the driver and the front windshield . . . which materially obstructs the driver's view."[4] A police officer may make a lawful traffic stop if he or she has reasonable suspicion that an object hanging from a rearview mirror constitutes a material obstruction.[5] However, what constitutes a material obstruction is not always clear but depends on the testimony and evidence presented at the hearing on the motion to suppress.

In *People v. Cole*, a Quincy police officer stopped the defendant's vehicle based on an "obstructed vision."[6] At the hearing on the motion to suppress, the officer testified to his belief that the material-obstruction statute applied to "anything . . . hanging or suspended between the driver and the front windshield" and he attempted to stop every vehicle so situated.[7] The object at issue, a strand of beads, was admitted into evidence, and the officer believed the beads hung straight down at least four inches from the rearview mirror.[8] He did not know the diameter of the beads but stated an air freshener would be smaller in size.[9] After the officer arrested the defendant for not having a valid driver's license, a search of the vehicle revealed cocaine.[10] The trial court found the officer had reasonable, articulable suspicion that the defendant was in violation of the material-obstruction statute and denied the motion to suppress.[11]

On appeal, the defendant argued the traffic stop was invalid because the officer believed *anything* suspended between the driver and the windshield constituted a material obstruction.[12] The appellate court agreed, finding the officer acted under a mistake of law.[13] The court noted the officer never testified the strand of beads constituted a material obstruction.[14] Although he believed the beads "hindered" the defendant's ability to observe other drivers, the Fourth District found "[a] simple hindrance or obstruction is not a violation of the statute."[15] The appellate court reversed the trial court's judgment.[16]

In *People v. Johnson*, a Champaign police officer pulled over the defendant's vehicle at 3:15 a.m. for having an air freshener, "a life-size pair of plastic cherries," hanging from the rearview mirror.[17] At the hearing on the motion to suppress, the officer testified he observed the vehicle from the rear and side, saw the air freshener hanging at "eye level," and believed it created a material obstruction.[18] Although he had no formal training as to what constituted a material obstruction, he had read about material obstructions in law and traffic books and estimated the air freshener was about two inches across.[19] The defendant was eventually charged with possession of cannabis.[20] The trial court granted the motion to suppress, finding the air freshener was mounted on a piece of wire that did not move or swing and, even if it was at eye level, it would not constitute a material obstruction.[21]

On appeal, the State argued the question was whether the officer had probable cause to stop the vehicle and not whether the air freshener actually constituted a material obstruction.[22] The Fourth District noted the officer did not tell the defendant at the time of the stop that the air freshener constituted a material obstruction.[23] Moreover, in noting the officer's fleeting view of the air freshener in the dark and his lack of understanding as to what constituted a material obstruction, the appellate court concluded the motion to suppress was properly granted.[24]

In *People v. Mott*, a Clark County sheriff's deputy pulled over the defendant's vehicle for an air freshener hanging from the rearview mirror.[25] At the suppression hearing, the deputy testified to the leaf-shaped air freshener that he estimated to be three-and-a-half to four inches wide and four to five inches tall.[26] The deputy also stated the air freshener hung approximately one inch below the mirror on a string and swung side to side and believed it materially obstructed the driver's view.[27] Although he had no formal training on the legal meaning of "material obstruction," the deputy related an explanation given by a colleague:

> [Deputy Sanders] asked me to take my thumb and hold it out in front of me and take my finger and put it over a person or an object, closing one eye or just looking[.] [A]nd that if your thumbnail covers up a person or object which is in front of you and is about the same distance from your face is as what the windshield is in your vehicle, [Sanders] said[.] [N]ow looking at your thumbnail, we're putting in perspective a large air freshener, [M]ardi [G]ras beads hanging from the mirror, anything of that nature that would really obstruct the vision, and we're going from a thumbnail to a large air freshener now, and it could cover up a lot more.[28]

The trial court granted the motion to suppress, finding no testimony about the relationship of the air freshener to the driver's eye level or that it obstructed a material portion of the windshield or the defendant's line of vision.[29]

On appeal, the Fourth District noted the deputy only had a brief view of the air freshener and overestimated its actual size.[30] The court also found the deputy "failed to articulate any specific facts giving rise to an inference defendant's view was obstructed."[31] While affirming the trial court's judgment, the appellate court also addressed defense counsel's contention that an air freshener could not, as a matter of law, constitute a material obstruction and quoted the trial court's order, as follows:

> Illinois law does not criminalize [*per se*] the suspension of an object from a rearview mirror. It is not unusual to see objects such as necklaces, pendants, parking passes, souvenirs, good[-] luck charms, beads, crucifixes, St. Christopher [medals], and sunglasses suspended from a rearview mirror. [Section] 12-503(c) prohibits the suspension or placement of an object in a window "[which] materially obstructs the driver's view."[32]

The Fourth District stated "[s]ize alone does not determine whether an object materially obstructs the driver's view" and concluded "all of the objects listed could be material obstructions in the proper situation."[33]

In *People v. Price*, a Fairbury police officer

pulled over the defendant's vehicle because of a broken taillight and an air freshener hanging from the rearview mirror.[34] At the suppression hearing, the officer estimated the air freshener was three inches wide and four to five inches in length and hung from a string with the top being approximately two to three inches from the bottom of the mirror.[35] On cross-examination, the officer testified he observed the air freshener swaying and, based on the defendant's sitting position, it "would have to impair his ability to--obstruct his view."[36] The defendant testified the Yankee Candle air freshener was approximately three inches wide and four inches long, it hung from a string, and the top was roughly one-and-a-half inches from the bottom of the mirror.[37] The trial court denied the motion to suppress, and the defendant was found guilty of driving under the influence and possession of cannabis and drug paraphernalia.[38]

On appeal, the defendant argued the traffic stop was unlawful because the evidence did not show the air freshener constituted a material obstruction.[39] The Fourth District found the officer had a reasonable suspicion that the air freshener constituted a material obstruction based on its size, that it swayed back and forth, and would have obstructed the defendant's view from his sitting position in the vehicle.[40]

In *United States v. Garcia-Garcia*, an Illinois State trooper pulled over the defendant's minivan after seeing a tree-shaped air freshener, "approximately five inches by three inches at its widest points," hanging from the rearview mirror.[41] Believing a violation of the Vehicle Code had occurred, the trooper issued the defendant a warning ticket for the obstructed windshield.[42] It was eventually determined that the defendant was in the country illegally, and he was charged with being present without permission in the United States after he had been deported and with knowingly transporting illegal aliens.[43] The district court found the trooper had probable cause to stop the defendant's vehicle based on the material obstruction.[44]

On appeal, the defendant argued the trooper did not use the word "materially" during his testimony about the air freshener and, along with its small size, he must have been acting under a mistake of law.[45] After reviewing Illinois Appellate Court decisions, the Seventh Circuit concluded "air fresheners may (or may not) constitute material obstructions depending on their size, their position relative to the driver's line of vision, and whether they are stationary or mobile."[46]

In the case before it, the Seventh Circuit noted the government's evidence included the air freshener, the warning ticket, and photos of the air freshener hanging in the van, along with the trooper's testimony.[47] The court stated that, given the air freshener's "size and position relative to the driver, a reasonable officer could conclude that it violated the Illinois statute prohibiting material obstructions."[48]

B. Other States' Approaches

In *Mott*, the Fourth District noted three distinct approaches used by states to criminalize the placement of objects hanging from a rearview mirror.[49] Under the first approach, several states, including Illinois, use the material-obstruction requirement. For example, Pennsylvania prohibits a person from driving a vehicle "with any object or material hung from the inside rearview mirror or otherwise hung, placed or attached in such a position as to materially obstruct, obscure or impair the driver's vision through the front windshield or any manner as to constitute a safety hazard."[50] A recent change in the Nebraska Rules of the Road prohibits the placement or hanging of an object "in such a manner as to significantly and materially obstruct or interfere with the view of the operator through the windshield or to prevent the operator from having a clear and full view of the road."[51]

The second approach, which is followed by a majority of the states, prohibits "the placement of objects that 'obstruct' or 'obstruct or impair' the driver's vision."[52] In Arizona, for example, a person is prohibited from operating a vehicle "with an object or material placed . . . in a manner that obstructs or reduces a driver's clear view through the windshield or side or rear windows."[53]

Under the third approach, two states have prohibited the placement of any object between the driver and the windshield.[54] In Minnesota, a person cannot drive a vehicle with "any objects suspended between the driver and the windshield" with certain exceptions.[55] It is a petty offense to drive in South Dakota "with any object or gadget dangling between the view of the driver and the windshield of the vehicle."[56]

In *Mott*, the Fourth District "sympathize[d] with trial judges and with police officers who are called upon to determine whether an object 'materially obstructs' the driver's vision."[57] The court found the "bright-line approaches"

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used in Minnesota and South Dakota "make law enforcement's job easier."[58] However, the court concluded the "obstruct" approach utilized by the majority of states seemed to be "the most reasonable."[59] The court commended the material-obstruction statute to the General Assembly to consider whether the current approach in Illinois accomplishes the results intended by the legislature.[60]

C. Practical Applications

The Illinois cases demonstrate that there is no bright-line rule to clearly identify whether an object constitutes a material obstruction. As Justice Appleton stated in his dissent in *Price*, whether an object hanging from a rearview mirror is a material obstruction involves a subjective determination[61]—initially by an officer, who may have only caught a fleeting glimpse of it, and then by the trial court, which must make a determination based on the testimony and evidence presented whether the air freshener, beads, or fuzzy dice gave the officer the reasonable suspicion necessary to effectuate a lawful traffic stop.

If Illinois is going to continue with its current approach, the presence of several factors can help the trial court determine whether a material obstruction existed justifying the stop. While "[s]ize alone does not determine whether an object materially obstructs the driver's view,"[62] it is important to have the accurate dimensions of the offending object before the court. The best way to do so is to put the object into evidence.[63]

Along with the size, a material obstruction depends in large part on the placement and mobility of the object. Whether the object is stationary or swaying side to side may impact the sight line of the driver. Further, the driver's sitting position may influence whether the object materially obstructs the driver's view. Since it would be impractical to bring the car into the courtroom, pictures of the object through the front and rear windshields, or from the driver's seat itself, will help the trial court understand what the officer believed to be a material obstruction at the time he or she decided to make the stop. Further, a dash camera video from the officer's squad car may give the court the opportunity to see the object while the defendant's vehicle is in motion.

Along with the object in question, the testimony of the arresting officer is oftentimes all the trial court has to make the material-obstruction determination. In several cases, the officers were questioned as to whether they had received any formal training on the issue of material obstruction and the answers were in the negative. Thus, proper training in the law is essential. While saying the magic words "material obstruction" may not always make it so, testimony of such nature will show an officer's understanding of the statute instead of relying on another officer's "thumbnail" approach or believing anything hanging from a rearview mirror is a violation of the Vehicle Code.[64] Also, stating specific facts as to why the object was a material obstruction will help support the officer's conclusion.

D. Conclusion

The case law in Illinois indicates the question of whether an object hanging from a rearview mirror constitutes a material obstruction is far from clear. Courts do, however, require specific facts to show an officer had reasonable suspicion to believe an object was a material obstruction thereby justifying a traffic stop. Prosecutors and defense counsel would be well-advised to peruse the cases on this issue and structure their direct and cross-examination accordingly. ■

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1. *People v. Mott*, 389 Ill.App.3d 539, 540, 906 N.E.2d 159, 161 (4th Dist. 2009).
2. *People v. Cole*, 369 Ill.App.3d 960, 962, 874 N.E.2d 81, 84 (4th Dist. 2007).
3. *State v. Barrow*, 975 A.2d 539, 542 (NJ Super Ct App Div 2009).
4. 625 ILCS 5/12-503(c).
5. *People v. Price*, 2011 IL App (4th) 100272 ¶ 31, 962 NE2d 1035, 1041; see also *Mott*, 389 IllApp3d 544, 906 NE2d 164 (stating "[a] police officer may stop a vehicle where he has reasonable suspicion to believe a driver is violating the Vehicle Code").
6. *People v. Cole*, 369 Ill.App.3d 960, 961, 874 N.E.2d 81, 83 (4th Dist. 2007).
7. *Id.* at 961-62, 874 N.E.2d 83.
8. *Id.* at 962-63, 874 N.E.2d 84-85.
9. *Id.* at 962, 874 N.E.2d 84.
10. *Id.* at 962-63, 874 N.E.2d 84.
11. *Id.* at 964, 874 N.E.2d 85.
12. *Id.* at 965, 874 N.E.2d 86.
13. *Id.* at 966, 874 N.E.2d 87.
14. *Id.* at 969, 874 N.E.2d 89.
15. *Id.*
16. *Id.* at 972, 874 N.E.2d 91.
17. *People v. Johnson*, 384 Ill.App.3d 409, 410, 893 N.E.2d 275, 276-77 (4th Dist. 2008).
18. *Id.* at 411, 893 N.E.2d 277.
19. *Id.*
20. *Id.* at 410, 893 N.E.2d 276.
21. *Id.* at 411-12, 893 N.E.2d 277 -78.
22. *Id.* at 412, 893 N.E.2d 278.
23. *Id.* at 413, 893 N.E.2d 279.
24. *Id.* at 414, 893 N.E.2d 279 -80.
25. *People v. Mott*, 389 Ill.App.3d 539, 540, 906 N.E.2d 159, 161 (4th Dist. 2009).
26. *Id.*
27. *Id.* at 540-41, 906 N.E.2d 161.
28. *Id.* at 541, 906 N.E.2d 161 -62.
29. *Id.* at 541-42, 906 N.E.2d 162 -63.
30. *Id.* at 544-45, 906 N.E.2d 164 -65.
31. *Id.* at 544, 906 N.E.2d 164 -65.
32. *Id.* at 546, 906 N.E.2d 165 -66.
33. *Id.* at 546, 906 N.E.2d 166.
34. *Price*, 2011 IL App (4th) 110272 ¶ 6, 962 N.E.2d 1036.
35. *Id.*
36. *Id.* at ¶ 8, 962 N.E.2d 1037.
37. *Id.* at ¶ 10, 962 N.E.2d 1037.
38. *Id.* at ¶ 12, 962 N.E.2d 1037.
39. *Id.* at ¶ 22, 962 N.E.2d 1038.
40. *Id.* at ¶ 31, 962 N.E.2d 1040.
41. *United States v. Garcia-Garcia*, 633 F.3d 608, 609-10 (7th Cir 2011).
42. *Id.* at 610.
43. *Id.* at 611.
44. *Id.*
45. *Id.* at 612.
46. *Id.* at 615.
47. *Id.*
48. *Id.* at 615-16.
49. *Mott*, 389 Ill.App.3d 546, 906 N.E.2d 166.
50. 75 Pa. Cons. Stat. Ann. § 4524(c) (2006); *see also* Okla. Stat. tit. 47 § 12-404 (2007) (prohibiting any object that "materially obstructs, obscures, or impairs the driver's view of the highway ahead or to either side or of any intersecting highway").
51. Neb. Rev. Stat. § 60-6,256 (2011).
52. *Mott*, 389 Ill.App.3d 546, 906 N.E.2d 166.
53. Ariz. Rev. Stat. § 28-959.01(B) (2008); *see also* Cal. Veh. Code § 26708 (2000); Colo. Rev. Stat. Ann. § 42-4-201(4) (2006); Conn. Gen. Stat. § 14-99f (2000) (prohibiting the placement of an item "in such a manner or location as to interfere with the operator's unobstructed view of the highway"); Mich. Comp. Laws § 257.709 (2001); N.Y. Veh. & Traf. Law § 375(30) (2008); Va. Code Ann. § 46.2-1054 (2003); Wis. Stat. § 346.88(1)(b) (2007).
54. *Mott*, 389 Ill.App.3d 546, 906 N.E.2d 166.
55. Minn. Stat. Ann. § 169.71(a)(2) (2006).
56. S.D. Codified Laws § 32-15-6 (2004).
57. *Mott*, 389 Ill.App.3d 546 -47, 906 N.E.2d 166.
58. *Mott*, 389 Ill.App.3d 547, 906 N.E.2d 166.
59. Id.
60. Id.
61. *Price*, 2011 IL App (4th)110272 ¶ 38, 962 N.E.2d at 1041 (Appleton dissenting).
62. *Mott*, 389 Ill.App.3d 546, 906 N.E.2d 166.
63. *See Price*, 2011 IL App (4th) 110272 ¶ 38, 962 N.E.2d 1041 (Appleton dissenting) (stating "it is impossible for the trial court to make a 'materiality' determination without seeing the offending air freshener and without observing the object hanging from the rearview mirror").
64. *See People v. Jackson*, 335 Ill.App.3d 313, 316, 780 N.E.2d 826, 828 (2nd Dist. 2002) (noting the arresting officer testified the air fresheners hanging from the rearview mirror were material windshield obstructions); *People v. Mendoza*, 234 Ill.App.3d 826, 838, 599 N.E.2d 1375, 1383 (5th Dist. 1992) (finding the trooper "was quite adamant" that the fuzzy dice "would have materially obstructed the driver's view in some directions").

Case note

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tence him to eight years' imprisonment as a Class X offender if he pled guilty to burglary. The Defendant withdrew his previously-entered plea of not guilty, and entered a plea of guilty in exchange for the court's offer of an eight-year sentence. The court accepted Defendant's guilty plea, found him guilty of burglary, and sentenced him to eight years' imprisonment.

Defendant subsequently filed a *pro se* motion to withdraw his guilty plea in which he asserted that his counsel misadvised him that he was not eligible to participate in a veterans court program. Defendant told the court that he had mentioned veterans court to defense counsel before entering his guilty plea, and that counsel had told him that she believed the program was only for drug cases, and that Defendant now believed that he was eligible for the program. The court responded that it believed the program was only available in cases where probation was a possibility, and that Defendant was not eligible for the program because he was not eligible for probation since he was being sentenced as a Class X offender due to his prior convictions. The court then denied Defendant's motion, finding that his guilty plea was made knowingly and intelligently. Defendant appealed.

The appellate court first looked to the governing statute for guidance. The Veterans Court Act provides for the establishment of a veterans court and corresponding programs whereby a defendant who is a veteran can complete an agreed-upon program, which may include substance abuse, mental health, or other treatment, in exchange for the dismissal of the charges against him, the termination of his sentence, or his discharge from further proceedings. A defendant may only be admitted into a veterans court program upon the agreement of the prosecutor and the defendant, and with the approval of the veterans court. Furthermore, a defendant shall be excluded from a veterans court program if he: (1) is charged with a crime of violence; (2) does not demonstrate a willingness to participate in the program; (3) has committed a crime of violence in the past 10 years, excluding incarceration time; or, (4) has previously completed or been discharged from such a program. Thus, under the plain language of the Veterans Court Act, a defendant is not required to be eligible for probation to be eligible for veterans court, and defendants who are not eligible for probation are not among the four groups of defendants who shall be excluded from such a program.

In support of its position that this Defendant was ineligible for Veterans Court, the State asserted to the appellate court that it was abundantly clear from the legislative history of the Veterans Court Act that the legislature intended to limit eligibility for veteran's court to those defendants who are eligible for supervision, conditional discharge, or probation. The appellate court, however, determined that the Veterans Court Act does not condition a defendant's eligibility for veterans court on his eligibility for probation, since the Veterans Court Act's plain language regarding a defendant's eligibility for veterans court was clear and unambiguous and constitutes the best evidence of legislative intent. The appellate court thus refused to depart from its plain language by reading exceptions, limitations, or conditions into the statute that conflicted with that legislative intent.

Thus, having determined that the Veterans Court Act did not condition defendant's eligibility for veterans court on his eligibility for probation, the appellate court next considered whether Defendant was precluded from participating in such a program by the Unified Code of Corrections.

Relying on *People v. Teschner*, 81 Ill.2d 187 (1980), the appellate court noted that the Illinois Supreme Court held that a defendant's sentence of 36 months' probation conditioned on his successful completion of a drug-rehabilitation program under the Dangerous Drug Abuse Act was proper, even though he was not eligible for probation under the Code due to his prior convictions. The supreme court determined that the Code did not control whether a defendant could receive probation under the Dangerous Drug Abuse Act because treatment under that statute was an alternative to the regular sentencing alternatives set forth in the Code. The supreme court also noted that the language of the Dangerous Drug Abuse Act indicated a strong legislative policy favoring the prevention of drug abuse and encouragement for the treatment and rehabilitation of drug addicts and a finding that the treatment for drug abuse requires more medical and social treatment than can be provided under the present criminal justice system.

Moreover, the First District Appellate Court, in *People v. Young*, 334 Ill.App.3d 785 (1st Dist. 2002), previously held that the trial court did not err in using its discretion to sentence the defendant to three years' probation and residential treatment with Treatment Alternatives for Safe Communities (TASC) under the Alcoholism and Other Drug Abuse and Dependency Act, even though the defendant was not eligible for probation under the Code, due to his prior convictions. In doing so, the Young court noted that just as in *Teschner*, where the Dangerous Drug Abuse Act did not limit the trial court's discretion to being consistent with the Code, the Abuse and Dependency Act did not limit the trial court either.

The *McKinney* court further reasoned that the distinction between a veterans court program and a sentence of probation under the Code is further illustrated by the existence of the pre-adjudicatory program, in which a defendant may successfully complete a veterans court program before his conviction or the filing of a criminal case against him. Thus, unlike the Code, which by its own terms applies only to a defendant who has been convicted of an offense, the Veterans Court Act applies to defendants who have been charged with a felony or misdemeanor, and a defendant may enter such a program without having first been convicted of a crime. As such, it would be problematic to hold that a person's eligibility for veterans court is controlled by the Code where the Code applies only to defendants who have been convicted of a crime, while the Veterans Court Act applies to defendants who have been charged with a crime, including those who have not yet been prosecuted or convicted.

The *McKinney* court, therefore, determined that the Defendant was not ineligible for veterans court based on his ineligibility for probation where the Veterans Court Act does not require that a person be eligible for probation in order to be eligible for one of its programs, and participation in such a program is not precluded by the Code. While

it was possible that the prosecutor would not have agreed to Defendant's admission into a veterans court program, or the veterans court may have exercised its discretion not to approve this Defendant's admission, the appellate court could not predict what would have happened had Defendant been allowed to explore his eligibility for the program. As such, the appellate court concluded that the trial court abused its discretion when it denied Defendant's motion to withdraw his guilty plea based on the mistaken conclusion that his guilty plea was not entered under a misapprehension of law because the Veterans court was limited to those defendants who were eligible for probation.

Accordingly, the court reversed the trial court's denial of Defendant's motion to withdraw his guilty plea and remanded the matter to the trial court for further proceedings.

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Thursday, 12/6/12- Chicago, ISBA Chicago Regional Office—E-Discovery: Changing the Litigation Paradigm. Presented by the ISBA Civil Practice and Procedure Section. All day program.

Monday, 12/10/12- Live Studio Webcast—Apple v. Samsung: Is it the Patent Case of the Year? Presented by the ISBA Intellectual Property Section. 9-11.

Tuesday, 12/11/12- Teleseminar—Asset Based Finance, Part 1. Presented by the Illinois State Bar Association. 12-1.

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Friday, 12/14/12- Chicago, Sheraton Hotel—Social Media, Ethics and you: #YOUGOTTALUVIT. Presented by the Illinois State Bar Association, Illinois Judges Association and the Women's Bar Association of Illinois. 9-10:15.

Friday, 12/14/12- Chicago, Sheraton Hotel—Cutting Off the Third Branch: Court Funding and Access to Justice in Illinois and Beyond. Presented by the ISBA Special Committee on Fair and Impartial Courts and the Illinois Judges Association. 10:30-11:45am.

Friday, 12/14/12- Chicago, Sheraton Hotel—Midyear Meeting Master Series- Advanced Constructive Cross Examination. Presented by the Illinois State Bar Association. 1-4:15.

Tuesday, 12/18/12- Teleseminar—Understanding "Angel" Investing in New Business. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 12/19/12- Teleseminar—Picking the Right Trust. Presented by the Illinois State Bar Association. 12-1.

Wednesday, 12/19/12- Chicago, ISBA Chicago Regional Office—America Invents Act- Part 2: Navigating the New Patent Office Proceedings. Presented by the Illinois State Bar Association. AM Program.

Wednesday, 12/19/12- Live Webcast—American Invents Act- Part 2: Navigating the New Patent Office Proceedings. Presented by the Illinois State Bar Association. AM Program.

Thursday, 12/20/12- Teleseminar—Structuring Minority Interests in Businesses. Presented by the Illinois State Bar Association. 12-1.

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Wednesday, January 2-Saturday, January 5, 2013- Snowmass, CO, Westin Snowmass Resort. National CLE Conference.

Thursday, January 3, 2013- Teleseminar—New Medicare Tax Impact on Business Planning. Presented by the Illinois State Bar Association. 12-1.

Friday, January 4, 2013- Teleseminar—Ethics and Client Confidences: An Advanced Guide. Presented by the Illinois State Bar Association. 12-1.

Monday, January 7-Friday, January 11, 2013- Chicago, ISBA Regional Office—40 Hour Mediation/ Arbitration Training. Presented by the Illinois State Bar Association. 8:30-5:45 daily.

Tuesday, January 8, 2013- Teleseminar—Estate Planning in 2013, Part 1 Presented by the Illinois State Bar Association. 12-1.

Wednesday, January 9, 2013- Teleseminar—Estate Planning in 2013, Part 2. Presented by the Illinois State Bar Association. 12-1.

Friday, January 11, 2013- Teleseminar—Drafting Effective Employee Handbooks. Presented by the Illinois State Bar Association. 12-1.

Monday, January 14, 2013- Teleseminar—Planning and Drafting for Single Member LLCs, Part 1. Presented by the Illinois State Bar Association. 12-1.

Tuesday, January 15, 2013- Teleseminar—Planning and Drafting for Single Member LLCs, Part 2. Presented by the Illinois State Bar Association. 12-1.

Thursday, January 17, 2013- Chicago, ISBA Chicago Regional Office—Illinois Post Conviction Practice. Presented by the Illinois State Bar Association. 1-5. ■

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