VERTEFEUILLE, J., with whom, PALMER and ZARELLA, Js., join, dissenting. I respectfully disagree with the majority's conclusion that the Appellate Court properly determined that the state failed to demonstrate that State Trooper David Mattioli possessed a reasonable and articulable suspicion to stop the defendant, Gregory Cyrus, for a suspected violation of General Statutes § 14-99f (c)[1] pursuant to *Terry* v. *Ohio*, 392 U.S. 1, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968). After a careful review of the record, I am persuaded that the state established that Mattioli had a reasonable and articulable suspicion to conduct a *Terry* stop of the defendant's vehicle in order to investigate whether the chain hanging from the defendant's rearview mirror either "interfere[d] with the operator's unobstructed view . . . or . . . distract[ed] the attention of the operator." General Statutes § 14-99f (c). Accordingly, I would reverse the judgment of the Appellate Court, which upheld the judgment of the trial court dismissing the charges against the defendant. I therefore dissent.

The majority opinion adequately sets forth the facts found by the trial court, as well as the procedural history before the trial court. The following additional facts and procedural history regarding the proceedings before the Appellate Court, however, are also relevant to the issue on appeal. The state appealed to the Appellate Court from the judgment of the trial court dismissing the charges, challenging both the findings of fact and conclusions of law contained in the trial court's decision. *State* v. *Cyrus*, 111 Conn. App. 482, 485, 959 A.2d 1054 (2008). Specifically, the state claimed that the trial court improperly had determined that Mattioli had stopped the defendant's car merely because he had observed an object hanging from the defendant's rearview mirror, rather than for a violation of § 14-99f (c). Id. The state additionally maintained that the trial court failed to apply the reasonable and articulable suspicion standard for a *Terry* stop, instead improperly requiring the state to prove a completed violation of § 14-99f (c) in order to conclude that Mattioli's stop of the defendant's vehicle was proper. Id. The state's contention was based on the premise that when "[v]iewing Mattioli's testimony in its entirety, the [trial] court found that 'Mattioli's stop of the defendant was not based on a violation of the statute but was based solely on the fact that there was something hanging from the defendant's mirror.' Because, in the [trial] court's view, the statute required a showing that the object in question was in fact 'obstructing the view of the driver or distracting the driver,' the [trial] court dismissed the charges against the defendant." Id., 486.

The Appellate Court rejected the state's claims, rea-

soning that the trial court's factual findings regarding Mattioli's justification for stopping the car were supported by the record. Id., 487. The Appellate Court ultimately determined that the trial court properly dismissed the charges against the defendant. Id., 490. It concluded that "the state did not establish that Mattioli stopped the defendant's car for any reason other than his mistaken, albeit good faith, belief that § 14-99f (c) makes it an infraction for a car to be driven with *any* object hanging from a rearview mirror"; (emphasis in original) id.; rather than an item that was "hung in such a manner as to *interfere* with the unobstructed view of the highway or to *distract* the operator." (Emphasis in original; internal quotation marks omitted.) Id., 488.

I agree with the majority with respect to the standard of review. "Our standard of review of a trial court's findings and conclusions in connection with a motion to suppress is well defined. A finding of fact will not be disturbed unless it is clearly erroneous in view of the evidence and pleadings in the whole record . . . . [W]here the legal conclusions of the court are challenged, we must determine whether they are legally and logically correct and whether they find support in the facts set out in the memorandum of decision . . . . We undertake a more probing factual review when a constitutional question hangs in the balance. . . . In the present case, in which we are required to determine whether the defendant was seized by the police [pursuant to a *Terry* stop], we are presented with a mixed question of law and fact that requires our independent review." (Citations omitted; internal quotation marks omitted.) *State* v. *Burroughs*, 288 Conn. 836, 843–44, 955 A.2d 43 (2008).

I further agree with the majority that "[i]t is well settled that a police officer may briefly detain an individual for investigative purposes if the officer has a reasonable and articulable suspicion that the individual has committed or is about to commit a crime." (Internal quotation marks omitted.) *State* v. *Batts*, 281 Conn. 682, 690–91, 916 A.2d 788, cert. denied, 552 U.S. 1047, 128 S. Ct. 667, 169 L. Ed. 2d 524 (2007). I want to emphasize, however, three important principles regarding *Terry* stops. First, the purpose of a *Terry* stop is inherently investigatory. "When a reasonable and articulable suspicion exists, the detaining officer *may conduct an investigative stop of the suspect in order to confirm or dispel his suspicions*. . . . This rule applies when the police reasonably suspect a traffic violation." (Citations omitted; emphasis added; internal quotation marks omitted.) *State* v. *Batts*, supra, 691; see also *State* v. *Lamme*, 216 Conn. 172, 184, 579 A.2d 484 (1990) ("a brief investigatory detention [is permitted], *even in the absence of probable cause*, if the police have a reasonable and articulable suspicion that a person has committed or is about to commit a crime" [emphasis added]).

Second, it is axiomatic that an officer's subjective beliefs regarding the relevant law or underlying facts are irrelevant to a proper *Terry* analysis. "Reasonable and articulable suspicion is an objective standard that focuses not on the actual state of mind of the police officer, but on *whether a reasonable person*, having the information available to and known by the police, would have had that level of suspicion." (Emphasis added; internal quotation marks omitted.) *State* v. *Colon*, 272 Conn. 106, 149, 864 A.2d 666 (2004), cert. denied, 546 U.S. 848, 126 S. Ct. 102, 163 L. Ed. 2d 116 (2005); see also *State* v. *Mikolinski*, 256 Conn. 543, 551, 775 A.2d 274 (2001) (noting *Terry* stops are "*predicated* upon police discretion" [emphasis in original]).

Third, to demonstrate reasonable and articulable suspicion, a police officer may rely on rational inferences derived from observed facts. It is settled that "a police officer must be able to point to specific and articulable facts which, *taken together with rational inferences from those facts*, reasonably warrant that intrusion. . . . In determining whether a detention is justified in a given case, a court must consider if, relying on the whole picture, the detaining officers had a particularized and objective basis for suspecting the particular person stopped of criminal activity. When reviewing the legality of a stop, a court must examine the specific information available to the police officer at the time of the initial intrusion and *any rational inferences to be derived therefrom*." (Emphasis added; internal quotation marks omitted.) *Tarro* v. *Commissioner of Motor Vehicles*, 279 Conn. 280, 290–91, 901 A.2d 1186 (2006); see also *Terry* v. *Ohio*, supra, 392 U.S. 21 ("in justifying the particular intrusion the police officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion").

In the lower court proceedings, the state claimed that Mattioli had conducted a *Terry* stop of the defendant's car for a suspected violation of § 14-99f (c). To execute a proper *Terry* stop with regard to a possible violation of this statute, a police officer must demonstrate that he or she had a reasonable and articulable suspicion, based on specific and articulable facts, and reasonable inferences therefrom, that an object in the driver's car either interfered with the driver's unobstructed view or distracted the driver's attention. See *Tarro* v. *Commissioner of Motor Vehicles*, supra, 279 Conn. 290–91. Whether a reasonable and articulable suspicion of a violation of § 14-99f (c) existed constitutes not only the heart of the issue before this court, but also the issue previously before the trial court and the Appellate Court.[2]

Unlike the majority, I begin my analysis with the relevant statutory language. Section 14-99f (c) provides that "[n]o article, device, sticker or ornament shall be

attached or affixed to or hung on or in any motor vehicle in such a manner or location as to interfere with the operator's unobstructed view of the highway or to distract the attention of the operator." The plain language of § 14-99f (c) prohibits two categories of objects in a motor vehicle. First, the statute prohibits objects that "interfere with the operator's unobstructed view . . . ." General Statutes § 14-99f (c). Second, the statute prohibits objects that distract a driver's attention. General Statutes § 14-99f (c). To conduct a *Terry* stop for a suspected violation of § 14-99f (c), therefore, there need only have been observed by Mattioli an object attached or affixed to the defendant's vehicle that possibly was obstructing the driver's view *or* distracting the driver.

As we previously have set forth herein, a valid *Terry* stop need not be based on knowledge of a completed offense. A *Terry* stop requires only a reasonable and articulable suspicion that a violation of the statute *could be occurring*. See, e.g., *State* v. *Colon*, supra, 272 Conn. 149 ("a police officer is permitted in appropriate circumstances and in an appropriate manner to detain an individual for investigative purposes if the officer believes, based on a reasonable and articulable suspicion that the individual is engaged in criminal activity, *even if there is no probable cause to make an arrest*" [emphasis in original; internal quotation marks omitted]). This comports with the purpose of a *Terry* stop, which is to serve as an investigative tool for police officers. "A recognized function of a constitutionally permissible stop is to maintain the status quo for a brief period of time to *enable the police to investigate a suspected crime*. . . . Therefore, [a]n investigative stop can be appropriate even where the police have not observed a violation because a reasonable and articulable suspicion can arise from conduct that alone is not criminal. . . . In evaluating the validity of such a stop, courts must consider whether, in light of the totality of the circumstances, the police officer had a particularized and objective basis for *suspecting the particular person stopped of criminal activity*." (Citations omitted; emphasis added; internal quotation marks omitted.) *State* v. *Lipscomb*, 258 Conn. 68, 76, 779 A.2d 88 (2001); see also *Terry* v. *Ohio*, supra, 392 U.S. 22 ("effective crime prevention and detection . . . [underlie] the recognition that a police officer may in appropriate circumstances and in an appropriate manner approach a person for purposes of investigating possibly criminal behavior even though there is no probable cause to make an arrest"). Because *Terry* only requires an officer to have a reasonable and articulable *suspicion*, the officer making a stop for a possible violation of § 14-99f (c) need not possess *knowledge*[3] that the object in the car either is interfering with the driver's view or is distracting the driver's attention. Instead, the officer may stop the vehicle because he or she has a reasonable

and articulable suspicion that an object may be either obstructing the driver's view or distracting the driver's attention. Indeed, a *Terry* stop is intended to allow the officer to investigate further as to whether the object, in fact, either obstructs the driver's view or distracts the driver's attention. The officer need not know prior to the stop that the object either obstructs the driver's view or distracts the driver's attention.

During the previous court proceedings, the trial court found credible Trooper Mattioli's testimony that he saw "a chain hanging approximately [eight] to [ten] inches, hanging from the rearview mirror" prior to executing his stop of the defendant's automobile. A chain, freely suspended from the rearview mirror and measuring nearly one foot in length, would readily swing or move when the defendant made a turn or drove over an uneven surface.[4] Because the chain was hanging from the rearview mirror, it had ample room to swing in front of the windshield and over the dashboard of the car near the defendant, who was operating the vehicle. As a result, I would conclude that it was reasonable for Mattioli to *suspect* that the chain *could* swing into the defendant's view, thereby causing an obstruction to the defendant's view, or distracting the defendant's attention with its movement. Accordingly, I would conclude that Mattioli had a reasonable and articulable suspicion that the defendant possibly was violating § 14-99f (c) at the time when the trooper stopped the defendant's vehicle and that Mattioli could justifiably execute a *Terry* stop to investigate whether the object did, in fact, interfere with the defendant's unobstructed view or distract his attention.

Many states have statutes similar to § 14-99f (c) that prohibit the placement of objects in motor vehicles that obstruct the view of the driver. See, e.g., Ariz. Rev. Stat. Ann. § 28-959.01 (B) (2004) (prohibiting object that "obstructs or reduces a driver's clear view"); Cal. Veh. Code § 26708 (a) (2) (Deering 2000) (same); Mich. Comp. Laws Serv. § 257.709 (1) (c) (LexisNexis 2001) (prohibiting object that "obstructs the vision of the driver"); N.Y. Veh. & Traf. Law § 375.30 (McKinney 2005) (prohibiting objects that "obstruct or interfere with the view . . . or to prevent him from having a clear and full view"); Tex. Transp. Code Ann. § 547.613 (a) (1) (Vernon 1999) (prohibiting object that "obstructs or reduces the operator's clear view"). A comparison of the statutes of other states with § 14-99f (c) reveals that our statute is noteworthy in two respects. First, it prohibits items that *distract* the driver as well as those that obstruct his or her view of the road. Second, many other statutes do not require a completely unobstructed view as § 14-99f (c) does; rather they prohibit only a *material* or substantial obstruction of the driver's view. See, e.g., Fla. Stat. § 316.2004 (2) (b) (2007) ("materially obstructs, obscures, or impairs the driver's clear view"); 625 Ill. Comp. Stat. Ann. § 5/12-503 (c) (West 2008)

("materially obstructs the driver's view"); Kan. Stat. Ann. § 8-1741 (a) (2001) ("substantially obstructs, obscures or impairs the driver's clear view"); 75 Pa. Cons. Stat. Ann. § 4524 (a) (West 2006) ("materially obstructs, obscures or impairs the driver's clear view"). The differences between our statute and similar statutes in other states demonstrate, therefore, that in enacting § 14-99f (c), our legislature intended that this state would have a broad prohibition against objects in a motor vehicle that distract or obstruct the driver's view in any way, thus giving law enforcement authorities wide authority to investigate the impact of such objects on the driver. That choice is one that properly belongs to the legislature and it is not within the province of this court. See *State* v. *Joyner*, 225 Conn. 450, 460, 625 A.2d 791 (1993) ("in light of established doctrines implicit in the separation of powers, the primary responsibility for enacting the laws that define and classify crimes is vested in the legislature").

My conclusion that there existed a reasonable and articulable suspicion that the defendant possibly was in violation of § 14-99f (c) is consistent with appellate authority from other states reaching the same conclusion on similar facts. For example, the California Court of Appeal held that observation of a tree-shaped air freshener four and three-quarters inches tall, one and three-quarters inches long at the base, and two and three-quarters inches wide at its widest point, hanging from the rearview mirror provided a reasonable and articulable suspicion that the driver's clear view was either obstructed or reduced.[5] *People* v. *Colbert*, 157 Cal. App. 4th 1068, 1070, 68 Cal. Rptr. 3d 912 (2007). Similarly, the Virginia Court of Appeals determined that the observation of a three and one-half inches long dragon-shaped air freshener hanging from the rearview mirror provided a reasonable and articulable suspicion that the driver's clear view was obstructed.[6] *Commonwealth* v. *Bryant*, Virginia Court of Appeals, Docket No. 0076-04-01 (June 15, 2004); see also *United States* v. *Ramos-Caraballo*, 375 F.3d 797, 801 (8th Cir. 2004) (observation of seven and three-quarters inches long tree-shaped air freshener hanging from rearview mirror provided adequate basis for reasonable and articulable suspicion that driver's view was obstructed or unclear);[7] *United States* v. *Geary*, United States District Court, Docket No. CR09-2023 (N.D. Iowa, February 22, 2010) (observation of twenty square inch navigation device affixed to windshield constituted reasonable and articulable suspicion that driver's clear view was obstructed or reduced).[8] The conclusion in each of these cases is fact driven, influenced particularly by the size of the object in question, and reliant upon the language of the relevant statute.[9]

Both the majority and the defendant rely on *Commonwealth* v. *Brazeau*, 64 Mass. App. 65, 831 N.E.2d 372 (2005). I conclude, however, that *Brazeau* is distin-

guishable on its facts and the law. In that case, the Massachusetts Appeals Court analyzed a traffic stop conducted pursuant to that state's driver distraction statute, which prohibits "anything [that] may interfere with or impede the proper operation of the vehicle . . . ." Mass. Gen. Laws Ann. c. 90, § 13 (West 2005). The police officer who effectuated the motor vehicle stop in *Brazeau* claimed that he stopped the vehicle in question after observing two or three small items and one prism hanging from the mirror and reflecting light. *Commonwealth* v. *Brazeau*, supra, 66. The court ultimately determined "that a key finding of the [trial] judge was not supported by the evidence and that, without that finding, it cannot be concluded that the investigating officer had reasonable suspicion to stop [the defendant's] vehicle. . . . *There was . . . no evidentiary basis for the judge's finding that the officer stopped the vehicle after seeing a reflection from the prism.* Rather, the evidence adduced at the motion hearing established only that the officer effectuated the stop because he observed one or more small objects hanging from the rearview mirror and, on that basis alone, determined that the operation of the vehicle was or may have been impeded." (Citation omitted; emphasis added.) Id., 65–66. The small size of the objects in question in *Brazeau* contrasts with the ten inch chain with a wooden cross dangling from the rearview mirror in the present case. In addition, the court in *Brazeau* determined that the necessary factual finding, namely, that the officer saw the prism's *reflection*, was unsupported. We, however, have the necessary finding that Mattioli saw the chain hanging from the rearview mirror. Moreover, the Massachusetts statute does not prohibit objects that *distract* a driver, instead prohibiting only one category of objects, namely those that "interfere with or impede" the operation of the vehicle. Mass. Gen. Laws Ann. c. 90, § 13 (West 2005).

The majority concludes that the state presented no testimony that Mattioli considered the chain to present an obstruction of the defendant's view of the roadway. Essentially, the majority implicitly concludes that the chain was too small to constitute an obstruction. I disagree that the obstruction was small and emphasize that the trial court found credible the fact that the chain hung down more than ten inches from the mirror. By so finding, the majority additionally reads an implied size requirement into our statute. Contrary to the majority, I would not read any additional requirements into § 14-99f (c) for it is the legislature's function, and not that of this court, to decide the provisions of our criminal statutes. As we previously have discussed herein, our legislature intentionally enacted an expansive statute. Our legislature *could* have enacted a statute that prohibited objects that only materially obstruct a driver's view; the legislature, however, did not choose to do so. Under the express terms of § 14-99f (c), even an

arguably small object, so long as it obstructed part of the driver's view, could result in a violation of the statute; the size of the obstruction is not defined by the statute. In the present case, as found by the trial court, the ten inch chain plainly was hanging from the rearview mirror, and was therefore in the defendant's sight and constituted an obstruction. More significantly, the object need not obstruct the driver's view as long as it "distract[s] the attention of the operator." General Statutes § 14-99f (c). The majority assumes this outcome to be inequitable and construes the statute to avoid such a result by focusing on the size of the obstruction, despite the lack of any legislative authority to do so.[10] It is our responsibility, however, to interpret criminal statutes as written and to avoid invading the legislative prerogative by reading our own terms into its requirements. See General Statutes § 1-2z; *State* v. *Hanson*, 210 Conn. 519, 529, 556 A.2d 1007 (1989) ("Where statutory language is clearly expressed . . . courts must apply the legislative enactment according to the plain terms and cannot read into the terms of a statute something which manifestly is not there in order to reach what the court thinks would be a just result. . . . It is axiomatic that the court itself cannot rewrite a statute to accomplish a particular result. That is the function of the legislature." [Citation omitted; internal quotation marks omitted.]).

Because I would reverse the judgment of the Appellate Court concluding that the trial court properly dismissed the charges against the defendant, I respectfully dissent.

[1] General Statutes § 14-99f (c) provides that "[n]o article, device, sticker or ornament shall be attached or affixed to or hung on or in any motor vehicle in such a manner or location as to interfere with the operator's unobstructed view of the highway or to distract the attention of the operator."

[2] The majority fails to recognize that the Appellate Court did not apply the proper *Terry* standard to the state's claims, but rather adopted the trial court's conclusion that the state must prove a completed offense to state a *Terry* claim. As the Appellate Court noted, the state "urge[d] [the Appellate Court] to conclude that, even if Mattioli improperly stopped the defendant's car simply because he observed a chain or crucifix hanging from the defendant's rearview mirror, '[i]f the facts are sufficient to lead an officer to reasonably believe there was a violation, that will suffice, even if the officer is not certain about exactly what it takes to constitute a violation.' " *State* v. *Cyrus*, supra, 111 Conn. App. 489. The state, therefore, presented a classic *Terry* argument, but the Appellate Court expressly rejected it, concluding that "[a]ccepting this argument *would stand the state's burden of proof in a criminal case* on its head. . . . The state's argument assumes that which the state *was required to prove*, namely, that there was *credible evidence* that the chain or crucifix that Mattioli observed was *in fact interfering with the defendant's vision or distracting his attention*." (Emphasis added.) Id. The Appellate Court, in rejecting the state's *Terry* argument, required the state to prove a completed violation of the statute. Rather than permitting the state to prove that the object *could have been* interfering with the defendant's vision or distracting his attention, the Appellate Court concluded that the state had to prove that the object *in fact* caused an interference. This is, as the Appellate Court stated, the state's burden in a criminal case, namely, factual proof that a violation *actually had occurred*, rather than whether a reasonable suspicion that a violation *could be occurring* pursuant to *Terry*.

Contrary to the majority's assertion that the state interprets this quotation

out of context, the Appellate Court several times applied the improper standard, therefore consistently misconstruing the state's argument. The Appellate Court noted that the "state sought to justify a *Terry* stop by alleging an automobile operator's *violation* of . . . § 14-99f (c)." (Emphasis added.) Id., 483. The Appellate Court, by misconstruing the state's argument as intending to prove a violation, misapplied *Terry* because only a reasonable and articulable suspicion that a violation *could be* occurring is required, not evidence of a completed violation. The Appellate Court additionally noted that it affirmed the judgment of the trial court because "the state did not establish that [the defendant] *had violated* the statute." (Emphasis added.) Id., 484. The Appellate Court further disagreed with the state's claim that it was improperly required by the trial court "to establish that such a hanging object *in fact* obstructed the operator's vision or distracted the operator's attention." (Emphasis added.) Id., 485. The Appellate Court thus repeatedly emphasized its requirement that the state prove a completed violation rather than a reasonable and articulable suspicion that a violation could be occurring.

[3] "'As a matter of language, the word "knowing" [and therefore knowledge] literally imports something pretty close to 100 [percent] certainty; "believing," something less than certainty; and "suspecting," something less certain than "believing."' 2 W. LaFave & A. Scott, Substantive Criminal Law (1986) § 8.10, p. 427. Black's defines 'suspicion' to mean '[t]he apprehension of something without proof or upon slight evidence. Suspicion implies a belief or opinion based upon facts or circumstances which do not amount to proof.' Black's Law Dictionary (6th Ed. 1990). Webster's states that 'suspicion' means 'imagination or apprehension of something wrong or hurtful without proof or on slight evidence.' Webster's Third New International Dictionary (1986). 'Suspicion' then does not rise to the level of 'belief,' let alone 'knowledge.' " *State* v. *Fuller*, 56 Conn. App. 592, 620–21, 744 A.2d 931, cert. denied, 252 Conn. 949, 748 A.2d 298, cert. denied, 531 U.S. 911, 121 S. Ct. 262, 148 L. Ed. 2d 190 (2000).

[4] During oral argument in this court, the counsel for the defendant *conceded* that the chain could move and swing back and forth when the vehicle moved. Despite this admission, the majority insists that there is no proof that the chain will swing while the car is in motion. The majority disregards Newton's first law of physics, specifically, that an object in motion will remain in motion until an outside force acts upon it. See 1A P. Tipler & G. Mosca, Physics for Scientists and Engineers: Mechanics (5th Ed. 2004), c. 4, § 4-1, p. 85. The laws of physics, therefore, would allow a reasonable person to conclude that the chain, hanging from the defendant's rearview mirror, would appear to swing left as the defendant turned his car to the right. This is because the chain will remain in its forward moving trajectory until the forces of the car turning right alter its course. The forces of the car turning will then destabilize the chain, causing it to move back and forth since, according to Newton's third law of physics, every action also has an equal and opposite reaction. See id., c. 4, § 4-6, pp. 101–102.

Similarly, the majority improperly faults the state for what it finds to be a gap in the record, namely, that the state did not secure a factual finding that the chain actually obstructed the defendant's view or distracted the defendant's attention. I emphasize again that such a finding is not required by *Terry*. Officer Mattioli was justified in executing a traffic stop because, upon observing the hanging chain, he was justified in drawing reasonable inferences to conclude that the chain would swing when the car moved or turned. See *Tarro* v. *Commissioner of Motor Vehicles*, supra, 279 Conn. 290 ("a police officer must be able to point to specific and articulable facts which, *taken together with rational inferences from those facts*, reasonably warrant that intrusion" [emphasis added; internal quotation marks omitted]).

[5] Section 26708 (a) (2) of the California Vehicle Code (Deering 2000) provides: "No person shall drive any motor vehicle with any object or material placed, displayed, installed, affixed, or applied in or upon the vehicle which obstructs or reduces the driver's clear view through the windshield or side windows."

[6] Section 46.2-1054 of the Virginia Code Annotated (2005) provides in relevant part: "It shall be unlawful for any person to drive a motor vehicle on a highway in the Commonwealth with any object or objects . . . suspended from any part of the motor vehicle in such a manner as to obstruct the driver's clear view of the highway through the windshield, the front side windows, or the rear window, or to alter a passenger-carrying vehicle in such a manner as to obstruct the driver's view through the windshield . . . ."

[7] Section 60-6,256 of the Nebraska Revised Statutes (2004) provides in

relevant part: "It shall be unlawful for any person to operate a motor vehicle with any object placed or hung in or upon such vehicle, except required or permitted equipment of the vehicle, in such a manner as to 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 and condition of traffic behind such vehicle. . . ."

[8] Section 28-959.01 B of the Arizona Revised Statutes Annotated (West 2004) provides: "Except as otherwise provided in this section, a person shall not operate a motor vehicle with an object or material placed, displayed, installed, affixed or applied on the windshield or side or rear windows or with an object or material placed, displayed, installed, affixed or applied in or on the motor vehicle in a manner that obstructs or reduces a driver's clear view through the windshield or side or rear windows."

[9] The out-of-state cases cited by the majority are similarly fact driven and reliant upon the relevant statute, and they are therefore distinguishable from the present case. In *People* v. *White*, 107 Cal. App. 4th 636, 642, 132 Cal. Rptr. 2d 371 (2003), and *People* v. *Colbert*, supra, 157 Cal. App. 4th 1072, the statute relied upon prohibited driving a vehicle with "any object . . . displayed [that] obstructs or reduces the driver's *clear view* through the windshield or side windows." (Emphasis added.) Unlike our statute, § 14-99f (c), which requires a completely unobstructed view, the California statute only requires a "clear view . . . ." Cal. Veh. Code § 26708 (a) (2) (Deering 2000). Similarly, in *People* v. *Jackson*, 335 Ill. App. 3d 313, 315, 780 N.E.2d 826 (2002), and *People* v. *Cole*, 369 Ill. App. 3d 960, 961, 874 N.E.2d 81 (2007), the statute only prohibited items that "materially obstructe[d]" a driver's view rather than any item that interfered with the driver's unobstructed view. Additionally, in *People* v. *Arias*, 159 P.3d 134, 137 (Colo. 2007), the trial court "made the factual determination that the air freshener was 'an undefined size' and that there was 'never any testimony as to [its] actual size.' " Unlike that case, we have an extensive record with regard to the dimensions and the length of the chain in the present case, including the object itself as an exhibit.

[10] The issue is not now, nor was it, what constitutes a pretextual stop pursuant to § 14-99f (c). See footnote 1 of the majority opinion.