

2005 High School Appellate Competition Bench Brief

TONI MENENDEZ,
Petitioner,

v.

STATE OF FLORIDA,
Respondent

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Case Summary

This appeal involves two issues: (1) whether a traffic stop was improperly extended in order to initiate a search of a vehicle, and (2) whether the use of canine inspection can be classified as an unreasonable search under the Fourth Amendment.

On March 16, 2004 at approximately 6:30 p.m., a silver 2004 Chevrolet Avalanche with Texas license plate YBZ-427 was seen driving south on Interstate I-75 toward Tampa, Florida. The vehicle was driven by what appeared to be a Hispanic male and a second person was riding in the front passenger seat. The vehicle was traveling approximately 75 mph or approximately five mph in excess of the posted speed limit. Trooper R. Velboom, a field-training officer for the Florida Highway Patrol was parked in the median of the interstate with his headlights shining toward the southbound traffic to allow him/her to see within the passing vehicles. Using radar he tracked the Avalanche's speed. (Stipulation that the radar is accurate). Riding with Trooper Velboom was Trooper Pat Van Allen, a recent graduate of the police academy and a trainee.

Trooper Velboom initiated the stop of the speeding vehicle. The driver of the vehicle, Juan Valdez, pulled over to the right and parked the vehicle promptly. Trooper Velboom pulled up behind him and ran the tags through dispatch. The tags were registered to a Maria Valdez of Brownsville, Texas. Trooper Velboom and Trooper Van Allen exited the vehicle and approached the driver's side door. Mr. Valdez rolled his

window down and offered his driver's license, registration and insurance information. Juan's driver's license showed the same Brownsville, Texas address that the truck was registered to.

The driver Juan Valdez was taken to the patrol car. Trooper Van Allen stayed close to Valdez near the patrol vehicle. The troopers questioned the driver and passenger. They noticed discrepancies in their stated destination. The passenger identified himself to Trooper Velboom as Toni Menendez. Menendez provided a driver's license that showed an address of 123 Main Street, Brownsville, Texas, a different address than the driver and owner of the car. The passenger while providing some answers appeared evasive to the trooper. Trooper Velboom looked inside the vehicle, a four-door truck, and did not see any luggage. The trooper was familiar with this truck as it was often used in drug trafficking because it had a cover for the bed and there were compartments that closed on the sides of the bed. The trooper asked Menendez to remain inside the truck and the trooper walked around to the driver's side and removed the keys. The trooper then walked back to his vehicle to talk with dispatch.

Trooper Jules Scott, a K-9 officer, arrived at the scene. Trooper J. Scott is regularly partnered with Trooper Velboom. They are one of several teams of troopers who operate as a part of the Contraband Interdiction Program and coordinate the stops of persons on the interstate suspected of trafficking drugs. On this date, Trooper Scott heard on the radio that Trooper Velboom had made a stop nearby on the interstate. Trooper Scott arrived at the scene unsolicited. He parked the vehicle behind Trooper Velboom's and took out his K-9 Zöe to do a walk around the vehicle. The dog alerted for narcotics.

Dispatch revealed that both Valdez and Menendez's licenses were valid. However, Trooper Velboom also asked the dispatcher to run a criminal history check on the occupants. Valdez had a criminal history that included two prior DUI's (one in Florida) and a Driving While License Suspended or Revoked charge also in Florida. Menendez's criminal history revealed that he was currently on probation from the State of Texas for trafficking cocaine. There were no active warrants on either of the occupants.

At trial, the defense filed a motion to suppress the evidence seized from the car, contending that it was illegally obtained in violation of the Fourth Amendment. The trial judge denied the motion to suppress. The defendant was subsequently convicted of trafficking cocaine and illegal possession of a firearm by a felon. The defense filed an appeal to the Sixth District Court of Appeal. The Court of Appeal affirmed the lower court decision, citing in major part *United States v. Place* 462 U.S. 696 (1983), which holds that a canine inspection does not constitute a search as it is less-intrusive. The Court also held that the investigation was properly extended due to sufficient cause. Judge Yorkshire's dissent argues that the search was improperly extended as it went beyond the time it would have ordinarily taken to effectuate a stop. Additionally, Yorkshire argued that the canine inspection was not brought in pursuant to any drug investigation and therefore constituted an unreasonable search of the car.

The Florida Supreme Court has granted cert in the case. The briefs for petitioner (Menendez) and respondent (Florida) have been submitted and oral arguments are prepared to proceed.

Issues

- I. Did the Florida Highway Patrol have sufficient cause to extend the scope of the traffic stop and initiate a search of the vehicle?
- II. Were the petitioner's 4th Amendment rights violated by the canine inspection of the vehicle?

Arguments for the Petitioner:

Issue 1: Did the Florida Highway Patrol have sufficient cause to extend the scope of the traffic stop and initiate a search of the vehicle?

The officers did not possess the sufficient cause necessary to extend the scope of the traffic stop beyond the issuance of a traffic citation. In *Lecorn v. State*, this court found that the time necessary to issue a citation would last no longer than is necessary to write the notice and, when necessary, to make the license, tag, insurance and registration checks as long as that information can be obtained within a reasonable amount of time.

In this case, the officers had already conducted a check of the tag through dispatch before making contact with the driver of the vehicle. The driver immediately gave Officer Velboom his driver's license and registration. The subsequent actions taken by Trooper Velboom seem outside the scope of appropriateness per *Lecorn*. Trooper Velboom took the driver of the vehicle into custody and placed him in the back of his car. This had little to do with the purpose of the stop. Additionally, the subsequent questions had nothing to do with the purpose of the stop. Questioning where the driver was going had no relation to the purpose of the stop and therefore represents an unreasonable extension of the stop. *Maxwell v. State* strongly supports this argument.

If this Court is not persuaded by the simple actions of the troopers that they unreasonably delayed the traffic stop, the record provides more convincing evidence. In his affidavit and in testimony at trial, Trooper Van Allen states that Trooper Velboom told him that, "We have to keep them here long enough for Scott to arrive with the dog." Additionally, Troopers Velboom and Van Allen had made six traffic stops that night and issued no citations, not even to Petitioner's vehicle. It is clear the purpose of the stop was not on legitimate grounds.

Since the troopers unduly delayed the traffic stop beyond the time it would have ordinarily taken to write a traffic citation, the scope of the investigation was unduly extended and therefore is unconstitutional.

Issue 2: Were the petitioner's 4th Amendment rights violated by the canine inspection of the vehicle?

We are well aware of the long list of cases supporting canine inspection as a less-intrusive means to determine whether narcotics are present within a certain area. However, the United States Supreme Court opinion in *United States v. Thomas* is helpful for our purposes today. In that case, it was recognized the defendant had a legitimate expectation of privacy in his home that was violated by the use of a canine inspection.

According to the Court in *Thomas*, "...the officers' use of a dog is not a mere improvement of their sense of smell... but is a significant enhancement accomplished by a different, and far superior, sensory instrument." Similar to the fact that hearing sensing equipment cannot be used on private residences; police dogs represent a form of detection that is not simply a human's sense plus one. Canine detection represents a human's sense of smell plus 10,000. This is obviously a far superior form of sensory equipment.

It is recognized that the defendant in this case had a lessened expectation of privacy while riding in a motor vehicle. However, the defendant did have an expectation of privacy that the contents of his locked compartment in the rear of his truck would not be opened. Furthermore, for Respondents to argue that the defendant did not have an expectation of privacy in the smells emanating from his car is absurd. Driving 75 miles per hour, it would have been nearly impossible for a person to receive any sort of scent from the vehicle beyond the exhaust. Furthermore, no person would have been able to detect that odor and no other ordinary dog would have indicated its presence. The expectation of privacy is obvious. The defendant had no reason to expect that at a random point during his drive that he would be subjected to a canine investigation.

The only way to substantiate a claim that the canine inspection does not constitute a search under the Fourth Amendment would be to claim that a canine will *only* indicate if there is the presence of narcotics. In the present case, the record demonstrates that the K-9 Zoë falsely alerted to the presence of narcotics in a previous instance and that Zoë seemed to have attempted to leap into the vehicle in which the defendant was sitting upon smelling a hamburger. The fact that this canine is not reliable demonstrates a clear problem in terms of privacy protection. If a canine falsely alerts to vehicles that do not have narcotics in it, the canine no longer represents a less-intrusive means of searching for drugs because the dog is no longer able to adequately located drugs.

Arguments for the Respondent:

Issue 1: Did the Florida Highway Patrol have sufficient cause to extend the scope of the traffic stop and initiate a search of the vehicle?

According to the case of *Lecorn v. State*, the troopers are only permitted to check the tag, registration, and license information of the drivers. However, the case of *Illinois v. Cox* indicates that troopers may also conduct a speedy warrant check consistent with an average traffic stop. The warrant check had not completed until after Trooper Scott had conducted the canine investigation of defendant's vehicle.

Beyond that, *Cox* also indicates that if “no further suspicion is aroused” than the citation must be written. The fact that the two men gave conflicting stories about their destination clearly creates a further suspicion that required further investigation, hence the necessity of the warrant check.

In addition to the conflicting stories, the lack of luggage in the defendant’s vehicle and the fact that the particular vehicle they were riding in both pointed to the possibility of drugs being in the car. Therefore, in light of this information, the troopers made an appropriate step in checking for warrants for the two individuals to determine if their suspicions could be confirmed.

Petitioner asserts that because Trooper Velboom unduly extended the traffic stop by removing the driver of the defendant’s vehicle and placing him in his police car. *Terry v. Ohio* gave officers the ability to detain individuals, who had committed crimes, for the purpose of officer safety. Trooper Velboom felt concerned that the driver could potentially be dangerous and thus removed him from any potential weapons he may have had hidden in the vehicle.

Petitioner further asserts that the case of *Maxwell v. State* proves that asking questions beyond the scope of the traffic stop can result in an undue extension of the traffic stop. However, in *Maxwell* the officer asked about the person employment and a number of other unrelated topics. In the instant case, Trooper Velboom had to make certain the individuals were not speeding to some form of emergency. The fact that they gave conflicting answers as to their destination gave Trooper Velboom a sufficient level of suspicion to wait for the warrant check to come back as stated above.

Issue 2: Were the petitioner’s 4th Amendment rights violated by the canine inspection of the vehicle?

In order to determine if a search is unreasonable in light of the Fourth Amendment, the Court must balance the level of intrusiveness of the search against the stated governmental interest in the intrusion. *United States v. Place*. The government has a clear interest in the apprehension and destruction of narcotics within the state of Florida. That interest must weigh considerably more than the intrusion in the present, based on the considerably limited level of intrusion a canine represents.

In a wide range of cases, courts across the United States have recognized the limited nature of a canine inspection. *Lecorn v. State*, *Illinois v. Cox*, *United States v. Place*, etc. A canine inspection only indicates if there is the presence of narcotics. This limited inspection does not violate any potential privacy interests in the place to be searched.

In the present case, the only place K-9 Zoë alerted to was the right rear section of the car. The narcotics were discovered in the right rear section of the car. K-9 Zoë did not alert to any other objects in the vehicle, informing the officers of potentially embarrassing (but still legal) information about the defendants.

Petitioner argues that the defendant did in fact have an expectation of privacy in the smells emanating from his vehicle. However, the court has never recognized a legitimate right to privacy in concealing illicit materials. So long as the canine inspection only indicates the presence of those illicit materials which the defendants had no expectation of privacy to in the first place.

Petitioner also argues that since K-9 Zoë falsely alerted to the presence of narcotics at a previous stop that Zoë could not be trusted to alert only to narcotics and thus presents a clear privacy risk. However, a single error is not enough to demonstrate that Zoë was unreliable. If Petitioner could prove a history of false alerts, then their argument would be more reasonable. However, failing to provide more than one instances of false alerts prevents the argument from becoming solid and worth any weight in the constitutionality of the argument as a whole.

Sample Questions

Petitioner:

Did the Florida Highway Patrol have sufficient cause to extend the scope of the traffic stop and initiate a search of the vehicle?

1. In light of the fact that background checks were still ongoing at the time Trooper Scott arrived to conduct the canine investigation, doesn't this mean that the stop was still within the scope of the traffic stop and not an extension?
2. Your argument seems to be that the troopers should have only done what was necessary to effectuate the stop. What would you have the officers do in order to investigate a general suspicion? Would you maintain a *Lecorn v. State* approach of checking the license, tag, and registration –or- would you permit the troopers to question the individuals along the lines of those suspicions?
3. There also appears to be some tension with the case of *Maxwell v. State* with regard to the questions that Trooper Velboom asked. In *Maxwell*, the officer did not possess the general suspicion Trooper Velboom possessed here in terms of the differing statements made by the individuals. In light of that suspicion, shouldn't Trooper Velboom be permitted the limited investigatory area to make questions investigating that discrepancy?
4. Would you agree with this court that it is impossible to enforce a single "time-limit" on traffic stops, in light of the numerous circumstances that can come up during a stop?

Were the petitioner's 4th Amendment rights violated by the canine inspection of the vehicle?

1. Certainly you are aware that the US Supreme Court has frequently held that a canine investigation is not a search in terms of the Fourth Amendment, most notably *United States v. Place*. Are you asking this court to overlook that Supreme Court decision in order to rule that a canine investigation is an unreasonable search?
2. In light of the fact that anything that is in plain view of the officers possesses no legitimate privacy interest, as it is open to the public, if a smell can be detected on the outside of a person's vehicle, isn't that smell also devoid of a legitimate privacy interest?
3. In light of the fact an individual does not possess a legitimate privacy interest in the concealment of narcotics, if the canine investigation indicates only to the presence of narcotics, what legitimate privacy interest does the canine investigation violate?

Respondent

Did the Florida Highway Patrol have sufficient cause to extend the scope of the traffic stop and initiate a search of the vehicle?

1. In light of *Lecorn v. State*, we are aware that the troopers were permitted to conduct a license, tag, and registration check on the vehicle. However, the record seems to indicate that those all were completed and what the troopers were waiting on was the warrant check on the driver of the vehicle. Are you asking this court to add a warrant check to the list of permissible actions an officer can take during a traffic stop? (Follow-up: If so, then why should we add this to the present list?)
2. Understanding that there are a number of things that can be done to in order to lengthen the amount of time that is spent at a traffic stop, where do we draw the line between what is reasonable and unreasonable at any particular traffic stop? In order to protect against abuse, should courts in Florida adopt a sufficient cause test for every action taken in a traffic stop beyond the license, tag and registration checks –or- should the troopers just be set free to elongate stops with whatever ?
3. The record seems to indicate that the troopers did not have any articulable suspicion of the presence of narcotics until the canine investigation revealed the presence of narcotics. This being the case, then would you agree that the trooper did not have sufficient cause to initiate a search, if it is determined today that the canine investigation was a search?

Were the petitioner's 4th Amendment rights violated by the canine inspection of the vehicle?

1. If we were to accept today that a canine investigation does not constitute a search, then wouldn't we be justifying police canines walking up to houses and smelling for narcotics or walking through parking garages smelling all the cars for narcotics?
2. Given the fact that no person walking by the vehicle could smell the narcotics and no ordinary dog would indicate its presence, doesn't this mean that there was a form of expectation of privacy in the vehicle?
3. Certainly we are aware of *United States v. Thomas*, in which it was argued that a canine investigation was more than a simple enhancement of an officer's senses. It would seem ridiculous to assert that we would permit officers to utilize binoculars to examine the minute details of the interior of a vehicle which would not ordinarily be seen. How then in the canine different in such a way that we should accept that it is not unconstitutional?

4. The record seems to indicate that this canine, K-9 Zoë, falsely alerted at least once on the night of this incident. I am also aware that in certain instances canines that are trained to search for explosives also alert to certain types of rubber found in a few types of tires. If a canine falsely alerts and officers act upon that alert, don't they violate that person's legitimate expectation of privacy?

Table of Authorities

Bain v. State 839 So.2d 739 (Fla. Dist. Ct. App. 2003)

Facts: When petitioner’s car broke down on the side of the road, they called for police assistance. Upon the arrival of the officer, petitioner responded that he did not wish for the officer’s assistance and wanted to simply await a tow truck. Petitioner made a number of suspicious comments including informing the officer he did not want him to search the car. The officer then conducted a canine inspection of the vehicle in which drugs were alerted to.

Decision: Since the petitioner failed in court to argue that he had been illegally detained by officers for the purpose of a canine inspection, the court must rule that it was a lawful search.

Illinois v. Cox 782 N.E. 2d 275 (Illinois 2002)

Facts: Respondent’s vehicle was stopped because a rear registration light was missing. Before proceeding with the stop, the officer contacted a local deputy to bring a K-9 to sniff the vehicle, without having found any suspicious facts. Fifteen minutes later, the officer was still writing the traffic ticket and the deputy initiated the canine inspection. Pursuant to the canine inspection, officer found marijuana.

Decision: The canine inspection was impermissible. The officer did not have “specific and articulable facts” to justify the request for a canine inspection. Additionally, the defendant’s detention, “considered in light of the scope and purpose of the traffic stop” was excessive.

Possible Quotes: “The officer may perform some initial inquiries, check the driver’s license, and conduct a speedy warrant check... If no further suspicion is aroused in the officer following these inquiries, the traffic stop should go no further... The officer should issue a warning ticket or a citation, as appropriate, and allow the driver to leave.” *Illinois v. Cox* at 279.

“We have examined the record and find that it is devoid of circumstances which would justify the length of the detention. Rather, the record leads us to conclude this was a routine traffic stop which should have resulted in a correspondingly abbreviated detention.” *Illinois v. Cox* at 280.

Lecorn v. State 832 So. 2d 818 (Fla. Dist Ct. App. 2002)

Facts: Petitioner’s vehicle was stopped after an officer noticed that the window tinting on petitioner’s vehicle was too dark to allow sight inside. The officer spoke to petitioner and decided to issue a warning. The officer then asked the petitioner to step out of the car and to come back to the patrol car. This occurred only four minutes after the initial stop.

Another officer showed up at this time and conducted a canine investigation of the vehicle. The dog alerted to the presence of drugs.

Decision: Since the stop was not extended beyond the ordinary timeframe for a stop of its nature, the canine inspection was legal.

Possible Quotes: “If a driver is stopped for the commission of a traffic infraction, he or she may be subjected to a canine search of the exterior of the vehicle so long as it is done within the time required to issue a citation.” *Lecorn v. State at 820.*

“We further explained that the time to issue a notice ‘should last no longer than is necessary to write the notice and, when necessary, to make the license, tag, insurance and registration checks as long as that information can be obtained within a reasonable period of time.’” *Lecorn v. State at 820.*

State v. Betz 815 So. 2d 627 (Fla. 2002)

Facts: Respondent was stopped due to a malfunctioning headlight. The officer smelled a “very strong odor of marijuana coming directly out” of the vehicle and from his shirt. The officer then searched Respondent’s person and vehicle.

Decision: Based on a totality of the circumstances, the odor of marijuana, as detected by the officer, satisfied the probable cause requirement to search the entirety of the vehicle.

Maxwell v. State 785 So. 2d 1277 (Fla. Dist Ct. App. 2001)

Facts: Petitioner was stopped for speeding 75 miles per hour in a 70 mile per hour zone. After checking the driver’s license, the officer proceed to ask a series of questions such as asking where petitioner was coming from, where he was going, what he did for work, etc. A K-9 unit appeared and alerted to the presence of narcotics.

Decision: Since the officer delayed the stop by asking a series of questions, irrelevant to the purpose of the stop, and that this delay is the only reason the K-9 unit arrived in time to conduct the investigation, the stop was illegally extended.

Possible Quotes: “the majority of the time he (the officer) is questioning Maxwell (petitioner) about matters which had nothing to do with issuance of a traffic citation. Had Deputy King started and completed his traffic duties, the K-9 would not have arrived before Maxwell departed.” *Maxwell v. State at 1280.*

“King stopped Maxwell at 6:14 p.m. Though he commenced writing the traffic ticket as he questioned Maxwell, the second officer did not begin to run the tag information until 6:25 p.m.” *Maxwell v. State at 1279*

City of Indianapolis v. Edmond 531 U.S. 32 (2000)

Facts: Indianapolis created a drug checkpoint at which vehicles would be subjected to canine inspection.

Decision: The checkpoint violates the Fourth Amendment because the primary purpose of the canine inspections is to find evidence of ordinary criminal wrongdoing. The Court maintains prior rulings establish, “a sniff by a dog that simply walks around a car is ‘much less intrusive than a typical search,’” and there does not violate the term “unreasonable searches” in the United States Constitution. *City of Indianapolis v. Edmond* at 40.

Possible Quotes: “The fact that officers walk a narcotics-detection dog around the exterior of each car at the Indianapolis checkpoints does not transform the seizure into a search.” *City of Indianapolis v. Edmond* at 40.

United States v. Reed 141 F.3d 644 (6th Cir. 1998)

Facts: Officers searching for a fleeing individual believed to have hidden in an apartment building intended to employ a K-9 to search for the suspect. When Petitioner arrived home, he granted permission for the officer to employ the dog to search for the suspect. While the K-9 was searching, he alerted to the presence of narcotics. The dog pulled the drugs out in to the open where the officer saw them in plain sight.

Decision: Since the officer and the K-9 were present on some from of legitimate business and the police dog did not intrude on Petitioner’s expectation of privacy, the Fourth Amendment was not violated in this case.

Wyoming v. Houghton 526 U.S. 295 (1995)

Facts: During a traffic violation stop, officers became suspicious the driver had narcotics in the car. After discovering narcotics on the person of the driver, who also state that he used narcotics, the officer searched the passengers as well.

Decision: The search of the passengers was permissible under the Fourth Amendment. Passengers possess a lowered expectation of privacy in a vehicle and as long as an officer has sufficient suspicion that narcotics may be present in the car; the officer possesses the ability to search the entirety of the car.

Possible Quotes: “Passengers, no less than drivers, possess a reduced expectation of privacy with regard to the property that they transport in cars, which ‘travel public thoroughfares...” *Wyoming v. Houghton* at 303

“*Ross* summarized its holding as follows: ‘If probable cause justifies the search of a lawfully stopped vehicle, it justifies the search of *every part of the vehicle and its contents* that may conceal the object of the search.’ *Wyoming v. Houghton*, citing *United States v. Ross*, at 301.

State v. Williams 565 So. 2d 714 (Fla. Dist. Ct. App. 1990)

Facts: Petitioner was stopped for speeding and a canine was deployed.

Decision: Since only three minutes passed between the time of the initial stop and the time the canine began its work, there was no unreasonable extension of the traffic stop. Therefore the canine inspection was constitutional.

United States v. Thomas 757 F.2d 1359 (2nd Cir. 1985)

Facts: Believing that the petitioner was holding narcotics in his apartment, officers employed a canine unit to sniff around the exterior of his apartment. The canine alerted and this alert was used to substantiate probable cause for a search warrant.

Decision: The canine inspection was in violation of the Fourth Amendment. Because the canine inspection intruded into a zone where petitioner had a legitimate expectation of privacy, the dog must not have intruded beyond what the ordinary person could have seen. Since the canine is a dramatic improvement upon a reasonable human's sense of smell, the canine could sense things through the door which the petitioner would have had a legitimate expectation that others could not.

Probable Quotes: "Consequently, the officers' use of a dog is not a mere improvement of their sense of smell, as ordinary eyeglasses improve vision, but is a significant enhancement accomplished by a different, and far superior, sensory instrument." *United States v. Thomas at 1367.*

"Here the defendant had a legitimate expectation that the contents of his closed apartment would remain private, that they could not be 'sensed' from outside his door. Use of the trained dog impermissibly intruded on that legitimate expectation." *United States v. Thomas at 1367.*

"It is one thing to say that a sniff in an airport is not a search, but quite another to say that a sniff can *never* be a search. The question always to be asked is whether the use of a trained dog intrudes on a legitimate expectation of privacy." *United States v. Thomas at 1366.*

United States v. Place 462 U.S. 696 (1983)

Facts: Upon reasonable suspicion, Respondent's luggage was held for 90 minutes and subjected to a canine inspection. The results of the affirmative canine sniff were used as probable cause for the purpose of obtaining a warrant.

Decision: The Fourth Amendment does not prohibit officers from temporarily detaining personal luggage for exposure to a trained narcotics detection dog on the basis of reasonable suspicion that the luggage contained narcotics, but the court held that the

prolonged seizure was unreasonable since the police conduct exceeded the bounds of a permissible investigative detention.

Possible Quotes: “The Government contends that where the authorities possess specific and articulable facts warranting a reasonable belief that a traveler’s luggage contains narcotics, the government interest in seizing the luggage... is substantial. We agree.”

United States v. Place at 703

Florida v. Royer 460 U.S. 491 (1983)

Facts: Petitioner was determined to match a “drug courier profile” and was approached in the airport by two plain-clothes detectives who asked him to come and speak with them. In a small room, the detectives began asking questions and asked to see what was in his suitcase. Petitioner opened the suitcase and it was discovered that there was marijuana

Decision: The Court ruled that reasonable suspicions must be investigated as quickly as possible. The Court found that in this case that the consent to search offered by Respondent was tainted by the illegal detention and therefore the search of his luggage violated his Fourth Amendment rights.

Terry v. Ohio 392 U.S. 1 (1968)

Facts: A Cleveland police detective noticed two individuals “casing” a liquor store, seemingly in preparation to rob the store. The detective approached both of the individuals and forced them against the wall to “pat them down” for weapons. A revolver was found on Petitioner.

Decision: The United States Supreme Court held that a frisk was a permissible search under the Fourth Amendment if the officer believed that the person being stop was about to commit or was in the process of committing a crime, the officer could do a brisk outer search of the person to ensure the person did not have any weapons which could injure the officer during his investigation or harm others.

Carroll v. United States 267 U.S. 132 (1925)

Facts: During prohibition, officers searched vehicles they believed contained illicit liquor. The officers rarely had search warrants.

Decision: The Court ruled that search without a warrant of an automobile does not violate the Fourth Amendment if it is made upon probable cause, defined as a belief, reasonably arising out of circumstances known to the officer, that the vehicle contains such contraband.