

Illinois v. Caballes
S.Ct. (2005)

Case Fact Pattern:

Illinois State Trooper Daniel Gillette stopped defendant, Ray Caballes, for speeding on a highway. When Trooper Gillette called in the stop, a second trooper, Craig Graham, a member of the state's Drug Interdiction Team, overheard the transmission and immediately responded to the scene with his narcotics-detection K-9.

Upon Trooper Graham's arrival, Caballes' car was on the shoulder of the road and the defendant was sitting in Trooper Gillette's patrol car. As Gillette wrote out the warning for the motor vehicle violation, Trooper Graham walked his dog around the defendant's car. The dog alerted at the trunk. Based on that alert, the officers searched the trunk, found marijuana, and placed defendant under arrest.

Court Holding: The motor vehicle stop was based on a violation and therefore lawful. The police were lawfully on scene with the defendant and the vehicle. The dog walking the perimeter of the vehicle was non-intrusive to privacy issues. Based on a positive "hit" of the vehicle by a trained narcotics dog the "sniff" produced the requisite probable cause to the entry of the vehicle under the "motor vehicle exception to the written warrant requirement." The search was good and the evidence admitted.

State v. Irelan
375 N.J. Super. 100 (App.Div. 2005)

Case Fact Pattern:

In the middle of July, at about 3:25 a.m., Trooper Feldstein and Trooper Carswell were patrolling the Atlantic City Expressway when they observed defendant, Kenneth Irelan, driving a vehicle with a front seat passenger. The troopers observed defendant "quickly pull out of the toll plaza, cut across several lanes, pass another vehicle on the shoulder, and exit the Expressway." In light of the violations, the troopers followed defendant and pulled him over a short time later on a local street.

During the stop, Trooper Feldstein detected and odor of alcohol and asked defendant if he had been drinking, which he denied. When asked if the passenger had been drinking, Irelan said yes. "When defendant was asked to identify the passenger, the defendant provided an incorrect name. Trooper Feldstein asked the defendant to exit to the rear of the vehicle, where he again inquired whether the defendant had been drinking. This time defendant said he 'might have had one.' While Trooper Carswell stayed with the passenger, who remained seated in the vehicle, Trooper Feldstein performed a series of field sobriety tests on defendant."

Trooper Feldstein determined, based on his observations of Irelan and his performance of the tests, to arrest him for Driving While Intoxicated. He searched and handcuffed the defendant behind his back and placed him in the back seat of the patrol vehicle, which was parked behind defendant's vehicle."

At this point, the passenger, who had called his girlfriend on his cell phone and made arrangements for her to pick him up at a nearby location, was allowed to leave. He exited the vehicle and walked away.

About four minutes later, pursuant to standard operating procedures, Trooper Feldstein advised dispatch that he would be "doing a search incidental." A search of the passenger compartment uncovered a loaded handgun, found in the center console.

Court Holding: This was a good search. The evidence was admitted (under the automobile exception).