

Wednesday, August 20, 2008

### **Red lights, dogs and the Fourth Circuit.**

Â Bill of Rights.Â (From the public domain.)Â Â Police love when suspects driveÂ cars. The driver is bound to violate one traffic law or another, thus justifying aÂ policeÂ stop of the car, and an attempt to reveal criminal activity afoot.Â Police also love to bring "drug" dogs to attempt a justification to search the vehicle. However, a drug dog sniff is only allowed during the time reasonably needed to issue a moving violation citation. If no dogs are available in such a short time, the cops need to manufacture, I mean try to find, reasonable suspicion to prolong the car stop to get a drug sniffing dog's presence.Â What, however, justifies the cops to hold onto a red-light running violation suspect for thirty minutes?Â Read this Fourth Circuit opinion that allowed such a lengthy detention based on claimed reasonable articulable suspicion that the court said allowed the police to detain the defendant longer than needed toÂ write a moving violation ticketÂ (running a red light).Â U.S. v. Branch, \_\_ F.3d. \_\_ (Fourth Cir., August 20, 2008).Â Fortunately, the dissent in Â U.S. v. Branch is strongly-worded enough in order to help make headway in getting an en banc review of this case. Meanwhile, if in Virginia, caveat emptor, to say the least. Jon Katz.

Posted by Jon Katz in Criminal Defense at 00:00