

DPS - ID – REASONABLE SUSPICION

An officer in Lovington, New Mexico was looking for Mr. Contreras who had outstanding felony warrants. Arriving at his residence, he saw a vehicle parked in front, with a man in the front driver's seat. The man was talking to a lady who was leaning from the passenger side into the vehicle. It was about 10:00 o'clock at night.

He pulled in behind the vehicle. No emergency lights were used. He approached the vehicle and realized, based upon previous encounters, that it wasn't Mr. Contreras. Instead, it was Mr. Williams, the defendant. He requested ID and found that defendant had a warrant. Upon arrest, and a search of the vehicle, drugs were found.

Will the drugs be admitted into evidence? (no). An officer can always have a conversation with a person who is free to leave. When asked for ID, however, defendant was not free to leave. He was detained. Legally, to detain someone, we need an individualized reasonable suspicion that defendant is involved in criminal activity. NOTE: Community caretaker or an otherwise valid stop would be exceptions to this.

However, prior to requesting ID, prior to detaining this person, the officer did not suspect criminal activity. The only fact concerning defendant was that he was present in front of a house. Without more, without reasonable suspicion to suggest he was involved in criminal activity, the officer improperly detained him when asking for ID. Court of Appeals said evidence was inadmissible. State v. Williams (2006).

- - ADA Elliott



If I don't solve it in a couple of weeks,
I write it off as a suicide.