

## ADA ELLIOTT - ARREST (WARRANTLESS ARREST)

Officers had been investigating the defendant for approximately one year and had probable cause to arrest him. Prior to doing so, however, they learned from a reliable confidential informant that defendant would be driving in Roswell, New Mexico, the following day to do a drug transaction.

The next day they saw defendant approach the intersection described by the CI and arrested him without a warrant. They searched him and his car and found seven packages of heroin.

ILLEGAL ARREST!!!

The key to any search or seizure is whether it is reasonable. For a warrantless arrest to be reasonable, however, there must be more than probable cause to believe that the person arrested has committed or is about to commit a felony. There must also be exigent circumstances. If an officer observes a person committing a felony, exigency will be presumed.

One question the court may ask when you make a warrantless arrest is this: was it reasonable for you not to get an arrest warrant?

Supreme Court felt defendant's arrest was unreasonable because there were no exigent circumstances. The officer had sufficient time to get a warrant. Therefore, it held that the evidence seized was inadmissible. Campos v. State (1994).

REASONABLE WARRANTLESS ARREST. = PROBABLE CAUSE + EXIGENT CIRCUMSTANCES

