

<p><b>Reasonable Suspicion</b> <b>Justified Extension of Traffic Stop</b></p>	<p><b><u>No</u> Reasonable Suspicion</b> <b>Justified Extension of Traffic Stop</b></p>
<p><a href="#"><i>State v. Castillo</i></a>, ___ N.C. App. ___ (May 3, 2016)</p> <p><b>Reason for stop:</b> Speeding (72/60)</p> <p><b>Factors:</b></p> <ul style="list-style-type: none"> <li>• D’s hand shaking uncontrollably</li> <li>• D seemed extremely nervous</li> <li>• Mild odor of air freshener in car</li> <li>• D operating vehicle with single key</li> <li>• D unwilling or unable to disclose travel plan</li> <li>• D responded “huh” to some questions</li> <li>• Smell of marijuana on D</li> <li>• D disclosed prior arrest for marijuana-based DUI</li> <li>• Third-party vehicle registration</li> </ul> <p><b>Post:</b> <a href="#">5/10/16</a></p>	<p><a href="#"><i>State v. Bullock</i></a>, ___ N.C. App. ___, 785 S.E.2d 746 (May 10, 2016) (McCullough, J., dissenting), <i>review allowed</i>, ___ N.C. ___ (June 16, 2016)</p> <p><b>Reason for stop:</b> Speeding (approximately 70/60), following too close, cross shoulder line</p> <p><b>Factors:</b></p> <ul style="list-style-type: none"> <li>• D’s hand trembled a little</li> <li>• D said missed exit</li> <li>• Car was rented in someone else’s name</li> <li>• D looked nervous (breathing in and out from the stomach and making little eye contact)</li> <li>• D gave slightly confusing answers to a few questions</li> <li>• Traveling on I-85</li> <li>• Two cell phones in center console; D was sole occupant</li> </ul>
<p><a href="#"><i>State v. Johnson</i></a>, ___ N.C. App. ___, 783 S.E.2d 753 (April 5, 2016)</p> <p><b>Reason for stop:</b> Expired license plate</p> <p><b>Factors:</b></p> <ul style="list-style-type: none"> <li>• D appeared extremely nervous (neck veins pulsing and rapid breathing)</li> <li>• D and driver gave inconsistent, unclear responses about travel plans</li> <li>• D mumbled</li> <li>• PCM device in passenger area that belongs in engine compartment</li> <li>• Three cell phones in passenger area; two occupantss</li> </ul>	<p><a href="#"><i>State v. Bedient</i></a>, ___ N.C. App. ___, 786 S.E.2d 319 (May 3, 2016)</p> <p><b>Reason for stop:</b> High beam lights on</p> <p><b>Factors:</b></p> <ul style="list-style-type: none"> <li>• D appeared nervous (rapid movements and reaching for sun visor)</li> <li>• D had associated with a known drug dealer</li> </ul> <p><b>Posts:</b> <a href="#">5/9/16</a> and <a href="#">5/10/16</a></p>

[State v. Warren](#), \_\_\_ N.C. \_\_\_, 782 S.E.2d 509 (Mar. 18, 2016), affirming per curiam, \_\_\_ N.C. App. \_\_\_, 775 S.E.2d 362 (2015) (Elmore, J., dissenting)

**Reason for stop:** Unsafe movement (car protruding into road as leaving apartment complex)

**Factors:**

- Traveling in high-crime, high-drug area
- D had something in his mouth that affected his speech
- Officer aware from training and experience that suspects sometimes hide drugs in mouths
- D denied involved in drug activity “any longer”

**Posts:** [1/27/16](#) and [3/22/16](#)

**Other**

The North Carolina Court of Appeals also discussed *Rodriguez* in [State v. Leak](#), \_\_\_ N.C. App. \_\_\_, 773 S.E.2d 340 (June 2, 2015), discussed in blog posts on [6/3/15](#) and [1/27/16](#). *Leak* doesn’t fit in the table as it focuses on whether an officer’s initial seizure of the defendant violated the Fourth Amendment, rather than on whether a valid traffic stop was extended without justification. In any event, the Court of Appeals’ decision has no precedential value as the North Carolina Supreme Court vacated it and remanded the case to the trial court in *State v. Leak*, \_\_\_ N.C. \_\_\_, 780 S.E.2d 553 (December 18, 2015), to reconsider the defendant’s motion to suppress in light of *Rodriguez*.