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Traffic Stop Turmoil: Reasonable Suspicion Leads to Discovery of Illegal Drugs

By **Daigle Law Group**

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In *United States v. Batara-Molina*, the Tenth Circuit Court of Appeals addressed the issue of whether a traffic stop was unlawfully prolonged for a canine sniff lacking reasonable suspicion, in violation of the Fourth Amendment.¹

Summary

Wyoming Deputy Eric Coxbill stopped Ian Batara-Molina's vehicle for driving 49 mph in a 45-mph zone. As he approached the car, the Deputy detected a strong flower-like odor. The officer began conversing with the driver, who provided his license but told the officer that he needed to search for the vehicle rental agreement on his phone. During this interaction, the Deputy inquired about Molina's travel plans, which resulted in further suspicion, given the discrepancies told throughout the driver's story. The officer examined the rental agreement, noting that the return date for the car was in two days. Molina told the officer that he and his passenger were heading to Sioux Falls, pronouncing the location incorrectly, and he indicated the date of their planned return from South Dakota. In doing so, the officer recognized that the date provided by Molina was only one day after the rental agreement required the return of the vehicle. Deputy Coxbill informed backup officer Rhoades of his observations, including the odor, fast travel plans, and the presence of a vape pen in the vehicle. Deputy Rhoades continued writing the warning as Deputy Coxbill retrieved his drug-sniffing K-9 officer. Molina was asked to exit the vehicle, and the K-9 officer alerted them to contraband just before the warning was finished. A subsequent search of the vehicle resulted in the discovery of fourteen pounds of methamphetamine.

Facing charges of possession with intent to distribute methamphetamine, Molina filed a motion to suppress the drugs, arguing that the deputies unlawfully prolonged the traffic stop for the dog sniff without reasonable suspicion, in violation of the Fourth Amendment.

The district court denied the motion and found reasonable suspicion based on their assessment of several facts. Following the denial of his motion, Molina appealed to the Court of Appeals for the Tenth Circuit.

Analysis and Implications

The Tenth Circuit Court of Appeals affirmed the district court's ruling but disagreed with the district court's reliance on specific facts. The district court determined that reasonable suspicion existed by assessing eight facts: the cover odor, mispronunciation of Sioux Falls, the third-party rental agreement, the imminent expiration of the rental agreement, the night spent at the gas station, the vape pen, lack of luggage in the backseat, and the fact that Molina was traveling from California.

The Tenth Circuit agreed with the lower court's usage of the cover odor, the third-party rental agreement, and the imminent expiration of the rental agreement as factors contributing to reasonable suspicion. However, the court disagreed with using the mispronunciation of Sioux Falls, the night at the gas station, Molina's origin in California, the presence of a vape pen, and the absence of luggage in the backseat. The court explained the basis for their disagreement as to each factor.

First, the court noted that the mispronunciation of Sioux Falls by a person not from the area should not be considered suspicious. Next, the night spent at the gas station as a cost-saving measure was deemed irrelevant, as it described a large category of innocent travelers. The court found the presence of a vape pen insignificant, considering the likelihood of innocent travelers possessing one, and the fact that Molina was traveling from California carried little weight due to marijuana legalization in multiple states. Lastly, the absence of luggage in the backseat was given little or no weight, as many travelers use the trunk for luggage storage and Molina was not questioned about it.

In its decision, the Tenth Circuit emphasized the importance of considering the totality of the circumstances in determining reasonable suspicion. The court acknowledged that this case fell very close to the line but ultimately concluded that reasonable suspicion was narrowly supported. The court further noted that deference should be given to officers to distinguish between innocent and suspicious actions.

Considering this principle, the Tenth Circuit held that Deputy Coxbill's decision to prolong Molina's traffic stop for a dog sniff was barely supported by the totality of the circumstances.

Conclusion

United States v. Batara-Molina serves as a reminder that the totality of the circumstances must be carefully assessed in determining reasonable suspicion and that law enforcement officers are afforded some degree of deference in distinguishing between innocent and suspicious behavior during traffic stops. However, the Tenth Circuit's disagreement with the district court on the weight of certain facts underscores the need for ongoing scrutiny and evaluation of the factors that may contribute to reasonable suspicion.

¹ *United States v. Batara-Molina*, 60 F.4th 1251 (10th Cir. 2023)

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