

Arrest Search and Investigation

[State v. Franklin](#), __ N.C. __, __ S.E.2d __ (Dec. 20, 2013). With one Justice taking no part in the decision and the remaining members of the court equally divided, the court left undisturbed the opinion below, which stands without precedential value. In the opinion below, *State v. Franklin*, __ N.C. App. __, 736 S.E.2d 218 (2012), the court of appeals (1) rejected the defendant's argument that the trial court lacked jurisdiction to enter its written order on his motion to suppress because the order differed materially from the court's oral ruling; (2) held that the trial court had jurisdiction to enter a written order denying the defendant's motion to suppress when the written order was entered after the defendant had given notice of appeal but had the effect of merely reducing the court's oral ruling to writing; (3) held over a dissent that where officers have probable cause to believe that a traffic infraction (here, a seatbelt violation) has occurred, it is irrelevant whether their stop of the vehicle on that basis was a pretext; (4) held over a dissent that a vehicle stop made on the basis of a seatbelt violation was sufficiently limited in scope and duration where the stop lasted ten minutes and the officer's actions related to the stop; and (5) held that although a passenger who has no possessory interest in a vehicle has standing to challenge a stop of the vehicle, that passenger does not have standing to challenge a search of the vehicle.