

Arrest, Search & Investigation

Stops

[*State v. Bullock*](#), ___ N.C. App. ___, ___ S.E.2d ___ (May 10, 2016). In this post-*Rodriguez* case, the court held, over a dissent, that the officer unlawfully extended a traffic stop. Because the officer initiated the traffic stop for speeding and following too closely, “the mission of the stop was to issue a traffic infraction warning ticket to defendant for speeding and following a truck too closely.” Thus, the stop “could ... last only as long as necessary to complete that mission and certain permissible unrelated ‘checks,’ including checking defendant’s driver’s license, determining whether there were outstanding warrants against defendant, and inspecting the automobile’s registration and proof of insurance.” The officer completed the mission of the traffic stop when he told the defendant that he was giving him a warning for the traffic violations. While it was permissible for the officer to conduct “permissible checks” of the car rental agreement (the equivalent of inspecting a car’s registration and proof of insurance) and of the defendant’s license for outstanding warrants, he was not allowed to “do so in a way that prolong[ed] the stop, absent the reasonable suspicion ordinarily demanded to justify detaining an individual.” (quotation omitted). Here, rather than taking the defendant’s license back to his patrol car and running the checks, the officer required the defendant to exit his car, subjected him to a pat down search, and had him sit in the patrol car while the officer ran his checks. Additionally, the officer ran the defendant’s name “through various law enforcement databases while questioning him at length about subjects unrelated to the mission of the stop. The court held:

Even assuming [the officer] had a right to ask defendant to exit the vehicle while he ran defendant’s license, his actions that followed certainly extended the stop beyond what was necessary to complete the mission. The issue is not whether [the officer] could lawfully request defendant to exit the vehicle, but rather whether he unlawfully extended and prolonged the traffic stop by frisking defendant and then requiring defendant to sit in the patrol car while he was questioned. To resolve that issue, we follow *Rodriguez* and focus again on the overall mission of the stop. We hold, based on the trial court’s findings of fact, that [the officer] unlawfully prolonged the detention by causing defendant to be subjected to a frisk, sit in the officer’s patrol car, and answer questions while the officer searched law enforcement databases for reasons unrelated to the mission of the stop and for reasons exceeding the routine checks authorized by *Rodriguez*.

The court went on to find that reasonable suspicion did not support extending the stop. It also held that because the officer lacked reasonable suspicion to extend the stop, whether the defendant may have later consented to the search is irrelevant as consent obtained during an unlawful extension of a stop is not voluntary.

Defenses

Self-Defense

[*State v. Holloman*](#), ___ N.C. App. ___, ___ S.E.2d ___ (May 10, 2016). Construing the new self-defense statute, the court held that the trial court committed reversible error in its jury instruction on self-defense, which deviated in part from the pattern jury instructions. The court held: “The trial court’s deviations from the pattern self-defense instruction, taken as a whole, misstated the law by suggesting that an aggressor cannot under any circumstances regain justification for using defensive force.”