



# CaseLaw

## Update

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#### CaseLaw This Week

Week Ending December 31, 2004

#### • Search & Seizure

#### Search & Seizure

*Chang v. State*, A04A2249 (12/08/04)

Defendant was convicted of possession of cocaine. The cocaine was found pursuant to a traffic stop for a non-working tag light. Defendant was the passenger. The driver of the vehicle did not have a license. The driver was placed in the back seat of a patrol car at which time the officer noticed the driver was wearing an ankle bracelet indicating the driver was under house arrest. The driver gave consent to search the vehicle. For safety, police requested that the passenger set in the back of a second patrol car during the search. There was no evidence that the Defendant was not free to leave the scene or refuse to sit in the patrol car. During search, officers found drug paraphernalia. The driver denied knowledge of the items. Police ask the defendant to remove her shoes and socks and defendant, at first refused, but after a few minutes alone in the back of the patrol car, did comply. A search of the patrol car revealed a smear of cocaine on the back seat and a crack pipe and small quantity of cocaine stuffed between the cushions of the back seat. The Defendant was arrested of possession of cocaine. The trial court denied Defendant's motion to suppress the evidence found in the back seat of the patrol car. Defendant appealed the denial of the motion to suppress. **The Court found that in light of the evidence indicating house arrest, the officer did not unreasonably**

**expand the scope or duration of a valid traffic stop by conducting a background check; that the backup officer's request for the Defendant to seat in the back of the patrol car during the search was reasonable and did not expand the scope of the stop; and, that the Defendant had no reasonable expectation of privacy for items she voluntarily abandoned in the back seat of the patrol car.** The trial court did not err in demying the Defendant's motion to suppress.