



Legal Update

Commonwealth v. Soriano-Lara

May 7, 2021

EVIDENCE SEIZED IN A MOTOR VEHICLE STOP THAT WAS UNREASONABLY PROLONGED WILL BE SUPPRESSED

Commonwealth v Soriano-Lara, 99 Mass.App.Ct. 525 (2021)

Relevant Facts

The trooper involved in this case had extensive experience and particularized training in narcotics enforcement, including approximately thirty (30) motor vehicle stops that led to the discovery of hidden compartments and arrests. At approximately 3PM on September 13, 2016 this trooper was on routine patrol on Route 1A in Lynn when he observed a vehicle move from a travel lane into a left-turn only lane without signaling. He pulled the car over.

There were two (2) people in the car, the defendant was the operator. When asked, the defendant provided a Rhode Island license. The passenger told the trooper that her mother was the owner of the car but that the passenger drives it regularly. The registration came back to a party in Foxborough.

The defendant's license listed an address in Cranston, Rhode Island. The trooper asked him where he lived and the defendant said, "Providence." The trooper noted that both occupants appeared nervous in that they were breathing heavily and "their carotid arteries were visibly pulsing in their necks."

The trooper went back to his cruiser and verified the license and registration were both active and the car had not been reported stolen. The trooper called for backup at that time.

For specific guidance on the application of these cases or any law, please consult your supervisor or your department's legal advisor or prosecutor.

Before backup arrived, the trooper returned to the car and asked where the defendant was coming from. The defendant said that a friend had repaired his brakes but was unable to give the name of the shop, where it was located, or the name of the friend. The trooper, believing the defendant was lying, inspected the tires. He discovered the lug nuts and rims were covered in dust which is inconsistent with having recently had brake work done.

After inspecting the tires, he asked the defendant again where he lived. This time the defendant said, "Cranston." When confronted with the discrepancy between his first and second answer to this question, the defendant said that they are the same place. It was at this time that the trooper noticed significant wear on the center console near the temperature controls and that the carpeting around the center console area had been pulled out of place. These observations were significant to the trooper because he had previously found a hidden compartment containing drugs in that same location on the same model of Volvo that the defendant was driving.

At this point the trooper noted that the defendant was becoming agitated. When backup arrived, the defendant was asked out of the car and was asked more questions about where he lived and how old he was. He was ultimately placed in the cruiser and the passenger was taken out of the car. The trooper pulled on the loose carpeting around the center console and found a hidden compartment containing a metal box. The trooper opened the box and found a bundle of money and cocaine. Both occupants were arrested.

Discussion

It is well established that a routine traffic stop cannot be extended for an investigatory purpose without reasonable suspicion of criminal activity. In this case, the initial traffic stop was for changing lanes without properly signaling. The trooper approached the car and engaged in a conversation with the occupants of the car. At that time, the trooper was provided with inconsistent information about the defendant's address. The trooper was justified in going back to his cruiser to verify the information he had received. When he did so, he learned the license and registration were valid and the car was not stolen.

When the trooper approached the car for the second time, he was, "justified in extending the encounter in order to resolve the apparent discrepancy between the defendant's stated city of residence and the one shown on the proffered license." When an officer has reasonable suspicion that warrants extending a motor vehicle stop, the officer is required to "diligently pursue" whatever means of investigation that is likely to "confirm or dispel" that suspicion quickly.

In this case, the trooper did not "diligently pursue" questioning designed to clarify the issue of the defendant's identify. Instead, he questioned the defendant about where he was coming from and then inspected the vehicle's wheels. It was only after this that the trooper returned to the issue of the defendant's identify and made the observations of the center console area. The court found that the trooper's "general investigative questioning of the defendant was constitutionally impermissible."

Because the initial stop was unreasonably extended without reasonable suspicion of criminal activity, it constituted an illegal seizure of the defendant. The evidence recovered should have been suppressed as fruit of the poisonous tree.

For specific guidance on the application of these cases or any law, please consult your supervisor or your department's legal advisor or prosecutor.