

US v. Smith Unveiled: A Fresh Lens on Reasonable Suspicion in Vehicular Stops and Searches

Description

The Court of Appeals for the Sixth Circuit recently explored the case of *US v. Smith*, a case that guides officers through the principles of reasonable suspicion, as they pertain to police procedure in vehicular stops and searches.

At around 2:00 am, two individuals, D.B. and Sharon, left a Detroit bar, with D.B. suspecting that they were being followed by a silver sedan. Evidence from a traffic camera placed D.B.'s vehicle passing through an intersection, catching the silver sedan following less than a minute later. About three minutes after passing through the intersection, at a distance of about two and a half miles, an individual inside a silver sedan fired a shot, hitting D.B. in the stomach. Fleeing the scene, D.B. was pursued by the silver sedan until he eventually crashed.

The police launched an investigation, and surveillance footage from the shooting location revealed muzzle flashes from a silver sedan, described by one witness as resembling a Chevy Malibu. Wilbert Smith's Chevy Malibu was the only silver sedan that could be associated with D.B. at the time of the shooting.

D.B. later identified Smith from a photo lineup, recognizing him as someone he had associated with previously and had a disagreement within the past. D.B. also recalled Sharon in an argument with the mother of Smith's child at a bar that night, despite Sharon's denial of any involvement in an altercation.

As a result, Smith's car was tagged in Michigan's Law Enforcement Information Network for two main reasons: first, the police wanted to hear Smith's account of the story; and second, they sought to verify that Smith's vehicle was involved in the shooting. The tag alerted law enforcement officers across the state to watch for Smith's car, warning that those inside might be armed, and instructing officers to detain and arrest all occupants if found.

Three days later, Smith's car was pulled over in western Michigan. The officer asked Smith to exit his vehicle, and frisked Smith for weapons. Smith informed the trooper of a gun inside a case in the car. Opting for caution and safety, the officer conducted a "protective sweep" of the car, especially focusing on areas within arm's reach of the driver. This search unveiled a loaded handgun with a chambered bullet and a bag of fentanyl and heroin, leading to Smith's arrest.

After Smith was convicted of firearm and drug related offenses, he motioned to have the gun-and-drug related evidence suppressed as fruits of an unreasonable vehicle search, in violation of the Fourth Amendment. The district court denied the motion on the grounds that the police had reasonable suspicion to stop Smith and perform a limited search. Smith pleaded guilty but preserved his right to challenge the suppression ruling on appeal.

On appeal to the Sixth Circuit, Smith challenged the lower court's suppression ruling. The Sixth Circuit found that there was reasonable suspicion to support an investigatory stop of Smith's car, rendering the

search lawful. The appeals court affirmed the denial of Smith's motion to suppress the evidence.

On appeal, the Circuit's opinion emphasized the importance of several principles for law enforcement officers. The Fourth Amendment's guarantee against unreasonable searches and seizures is enforced through the exclusionary rule. This rule is always at the forefront of our operations, as our adherence to it prevents the exclusion of key evidence we obtain, due to unlawful searches and seizures.

The concepts of reasonable suspicion and probable cause are relevant to today's training. Understanding the nuances between these two standards is crucial in navigating the legal framework of the Fourth Amendment.

Specifically, reasonable suspicion requires officers to have articulable facts that lead to a particularized and objective basis for suspecting legal wrongdoing. Unlike a mere hunch, which is insufficient, reasonable suspicion allows officers to draw on their experience and specialized training. Reasonable suspicion operates on a less stringent standard than probable cause, which requires a fair probability that evidence of a crime will be found.

Central for the Sixth Circuit's determination in this case was whether the police had ample "reasonable suspicion" to initiate the vehicle stop and then subsequently execute a limited search.

The court found that the reasonable suspicion standard was satisfied in the case, given the facts known to the officers when Smith's car was identified in the Law Enforcement Information Network.

In its reasoning, the Court acknowledged several key factors that served as the foundation for this finding.

First, the officers were aware that a silver sedan, closely resembling a Chevy Malibu, was implicated in D.B.'s shooting. Next, they found that a silver sedan – specifically Smith's Chevy Malibu – spotted on the same road as D.B. at the exact time of the shooting. Additional evidence also bolstered the officers' objective basis for suspecting wrongdoing involving Smith's car. This included a prior feud between D.B. and Smith and an altercation between Sharon, D.B.'s passenger, and Smith's girlfriend, which occurred just hours before the shooting.

In response to Smith's argument that other courts, such as the Fifth and Seventh Circuits, require a higher showing for reasonable suspicion when officers are investigating past crimes, the court clarified that it does not follow that approach.

Instead, the Sixth Circuit firmly emphasized its adherence to the principle of examining the totality of circumstances in determining reasonable suspicion, with the time between the crime's commission and the subsequent stop being just one element to be considered among many.

Contrasting this case with others, the court rejected Smith's comparisons where officers acted on vague or generalized information, underscoring that the officers here had reasonable suspicion to believe that the vehicle stopped was involved in criminal activity and the stop may produce evidence of a crime.

The Sixth Circuit upheld the district court's determination finding reasonable suspicion, affirming the lawfulness of the stop. Consequently, the Sixth Circuit did not need to consider Smith's argument regarding suppressing his statements as being derived from unlawful action.

US v. Smith serves as a reminder of the critical role that understanding Fourth Amendment principles plays in our daily work. Adhering to these legal standards ensures the lawfulness of our actions and the integrity of the evidence collected.

Today's case provides insights into the application of reasonable suspicion, particularly in the context of vehicle stops and searches. The Sixth Circuit's decision underscores the importance of having specific and articulate facts that lead to a particularized and objective basis for suspecting legal wrongdoing. It's not about vague hunches but solid evidence and logical inferences drawn from the situation.

For officers operating within the Fifth and Seventh Circuits, notice the different approaches adopted in those jurisdictions. While the Fifth and Seventh Circuits may place a heightened bar for reasonable suspicion based on the timing of the crime (requiring a higher showing when officers are investigating past crimes), the Sixth Circuit does not follow this approach. For officers within the Sixth Circuit, the court emphasizes looking at the totality of circumstances in assessing reasonable suspicion.

US v. Smith, No. 22-1055 (6th Cir. Jul. 24, 2023)

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