

## **Rocket Launchers and Dead Bodies**

Sometimes the police and/or border patrol ask questions they shouldn't. Here's a strange story from a real case that illustrates it...

Ron Bell was arrested in Albuquerque in 2010 for allegedly Driving While Impaired. Ironically, he's an attorney who has billboards and commercials including the phrase "We sue drunk drivers." He was prosecuted in Metropolitan Court and found guilty. He appealed to the District Court, arguing that the testimony against him should have been suppressed. After being pulled over for speeding and driving partially in the shoulder of the road, Deputy Allen asked if he was under the influence and Bell said no. Then the Deputy asked if "he had any grenades, rocket launchers or dead bodies in the car."

Bell said no. At the trial, the Deputy testified that he did not, in fact, believe that Bell had any grenades, rocket launchers or dead bodies in his car, but that he asked those questions to determine what kind of a response he would get and to help decide if Bell was being truthful.

That raised the question on appeal on whether Article II, Section 10 of the New Mexico Constitution prohibited the expansion from the initial traffic stop to conducting a DWI investigation. The state Constitution protects our rights more broadly than the U.S. Constitution.

After the case worked its way through the state appellate courts for years, the Court of Appeals recently ruled that the question was improper. Under our state's previous court rulings, "when a motorist is subjected to inquiries unsupported by reasonable suspicion during a vehicle stop, our precedent establishes that the continuing detention of that person is illegal." And because the Deputy's testimony was the sole basis for the conviction, it was reversed and Bell is not guilty.