

SUMMARY STATEMENT

State v. McGraw and Killeen
Docket Nos. 44935 & 44942

In a case arising out of Ada County, the Court of Appeals reversed the district court's orders suppressing evidence resulting from a search subsequent to a drug-dog sniff conducted during a traffic stop. While on patrol, a police officer (Officer One) conducted a traffic stop on a car driven by Lacey Killeen in which Brian McGraw was a passenger. A second officer (Officer Two), who was close by, heard the stop over dispatch and arrived at the scene shortly after the stop was initiated. As Officer One was writing the citation, Officer Two volunteered to complete the citation while Officer One deployed his canine. Officer One transferred the citation writing task to Officer Two and retrieved the canine. The canine alerted and, as a result, the officers searched the vehicle and discovered contraband. Killeen and McGraw filed motions to suppress evidence obtained during the search of Killeen's vehicle arguing, in relevant part, that the traffic stop was unlawfully prolonged as a result of Officer One transferring the citation writing duties to Officer Two and Officer Two completing the citation while Officer One facilitated the dog sniff. The district court granted the motion because Officer One abandoned the original purpose of the stop. The State appealed.

The Court of Appeals held that the traffic stop was not prolonged as Officer Two continued to pursue the original objectives of the stop while Officer One conducted the dog sniff. Because the dog sniff in this case was conducted during the course of a lawful traffic stop, there was no Fourth Amendment violation. Thus, Killeen and McGraw were not entitled to suppression of the evidence discovered as a result of the search that occurred following the positive dog alert.