

## SUMMARY STATEMENT

*State v. Cora Lee Burgess*

Docket No. 45317

This is an appeal by the State from the district court's order granting Cora Lee Burgess's motion to suppress evidence found in her vehicle subsequent to a traffic stop. After initiating the traffic stop, officers obtained identification, license, and vehicle registration, including identification of Burgess's passenger. Burgess did not have proof of insurance. Upon questioning, Burgess and the passenger denied being on probation. An officer checked the information given using the in-car computer. The officer received the requested information as to Burgess and the passenger, including warrant status, but had not yet received the probation status of the passenger. Instead of beginning the process of writing the citation to the driver, the officers waited another "minute or two" to receive the probation information as to the passenger. The district court held that the delay in moving forward with the traffic stop to verify the passenger's probation status unlawfully prolonged the stop and constituted an abandonment of its initial purpose.

The State argued that the gathering of information as to probation status of both a driver and passengers are ordinary inquiries incident to a traffic stop and thus neither extend the stop nor constitute an abandonment of its purpose. The Court held that ordinary inquiries incident to a traffic stop are generally, under United States Supreme Court precedent, directed at the driver and the purpose of the stop. Inquiries as to passengers, including probation status, are allowable; however, if not necessary for officer safety or other cognizable justification, the inquiries may not extend the duration of the stop. In this case, the State did not offer an officer safety justification for the "minute or two" in which the purpose of the traffic stop could have been, but was not, pursued in order to verify the passenger's probation status.