

SUMMARY STATEMENT

State v. Frederick Jeremiah Jacobsen
Docket No. 46886

Frederick Jeremiah Jacobsen was charged with possession of methamphetamine. The charge arose after an officer (Officer Mikowski) stopped Jacobsen for traffic violations and radioed to request a drug dog unit. The canine officer (Deputy Kindelberger) arrived at the scene, the drug dog alerted on Jacobsen's vehicle, and a subsequent search of Jacobsen's person revealed the presence of methamphetamine. Jacobsen filed a motion to suppress the evidence found on his person, which the district court denied.

On appeal, Jacobsen argued that the district court erred in denying his motion to suppress because his detention was unlawfully prolonged in violation of the Fourth Amendment. Jacobsen argued that Officer Mikowski abandoned the purpose of the traffic stop, which impermissibly added time to the stop: (1) when Officer Mikowski stopped writing the citation for seventeen seconds to speak with Deputy Kindelberger who had just arrived on-scene to conduct the drug-dog sniff; (2) when Officer Mikowski separately moved Jacobsen and Jacobsen's passenger (Roest) and instructed them to sit on the curb next to his patrol car; and (3) when Officer Mikowski engaged in a casual conversation with Roest while waiting for the drug dog sniff to occur.

In analyzing Jacobsen's first two arguments, the Court of Appeals cited *Rodriguez v. United States*, 575 U.S. 348, 356 (2015), and explained that safety precautions taken in order to facilitate investigation of other crimes, outside of the traffic mission, are not justified as part of a routine traffic stop. The Court of Appeals concluded that Officer Mikowski's conversation with Deputy Kindelberger and his activity of moving Jacobsen and Roest to the curb were safety precautions taken to facilitate the dog sniff and not the traffic stop and thus impermissibly extended the duration of the traffic stop.

Next, the Court of Appeals concluded that Officer Mikowski's casual conversation with Roest, which occurred during the dog sniff, was an unlawful extension. The Court explained that there was no evidence that Officer Mikowski was processing the citation because the officer turned the audio off on his on-body camera; he did not engaged in conversation with Jacobsen; he was speaking with Roest during the dog sniff; and he never handed Jacobsen the citation.

Thus, the Court of Appeals concluded that the district court erred in denying Jacobsen's motion to suppress.